

Y4
.J 89/1

1020

9314
J 89/1
93-37

93-37 IMMIGRATION AND NATURALIZATION
SERVICE OVERSIGHT

GOVERNMENT DOCUMENTS
Storage 30 1975

THE LIBRARY
KANSAS STATE UNIVERSITY

HEARINGS

BEFORE THE

SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP
AND INTERNATIONAL LAW

OF THE

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

NINETY-THIRD CONGRESS

SECOND SESSION

ON

IMMIGRATION AND NATURALIZATION SERVICE OVERSIGHT

APRIL 3, AND JUNE 25, 1974

Serial No. 37

Barcode with number 620499 009TTV and a red checkmark.



Printed for the use of the Committee on the Judiciary

U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1974

33-072 O

COMMITTEE ON THE JUDICIARY

PETER W. RODINO, Jr., New Jersey, *Chairman*

HAROLD D. DONOHUE, Massachusetts	EDWARD HUTCHINSON, Michigan
JACK BROOKS, Texas	ROBERT McCLORY, Illinois
ROBERT W. KASTENMEIER, Wisconsin	HENRY P. SMITH III, New York
DON EDWARDS, California	CHARLES W. SANDMAN, Jr., New Jersey
WILLIAM L. HUNGATE, Missouri	TOM RAILSBACK, Illinois
JOHN CONYERS, Jr., Michigan	CHARLES E. WIGGINS, California
JOSHUA EILBERG, Pennsylvania	DAVID W. DENNIS, Indiana
JEROME R. WALDIE, California	HAMILTON FISH, Jr., New York
WALTER FLOWERS, Alabama	WILEY MAYNE, Iowa
JAMES R. MANN, South Carolina	LAWRENCE J. HOGAN, Maryland
PAUL S. SARBANES, Maryland	M. CALDWELL BUTLER, Virginia
JOHN F. SEIBERLING, Ohio	WILLIAM S. COHEN, Maine
GEORGE E. DANIELSON, California	TRENT LOTT, Mississippi
ROBERT F. DRINAN, Massachusetts	HAROLD V. FROELICH, Wisconsin
CHARLES B. RANGEL, New York	CARLOS J. MOORHEAD, California
BARBARA JORDAN, Texas	JOSEPH J. MARAZITI, New Jersey
RAY THORNTON, Arkansas	DELBERT L. LATTA, Ohio
ELIZABETH HOLTZMAN, New York	
WAYNE OWENS, Utah	
EDWARD MEZVINSKY, Iowa	

JEROME M. ZEIFMAN, *General Counsel*
GARNER J. CLINE, *Associate General Counsel*
HERBERT FUCHS, *Counsel*
HERBERT E. HOFFMAN, *Counsel*
WILLIAM P. SHATTUCK, *Counsel*
H. CHRISTOPHER NOLDE, *Counsel*
ALAN A. PARKER, *Counsel*
JAMES F. FALCO, *Counsel*
MAURICE A. BARBOZA, *Counsel*
DANIEL L. COHEN, *Counsel*
FRANKLIN G. POLK, *Counsel*
THOMAS E. MOONEY, *Counsel*
MICHAEL W. BLOMMER, *Counsel*
ALEXANDER B. COOK, *Counsel*
CONSTANTINE J. GEKAS, *Counsel*
ALAN F. COFFEY, Jr., *Counsel*

SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP, AND INTERNATIONAL LAW

JOSHUA EILBERG, Pennsylvania, *Chairman*

JEROME R. WALDIE, California	HAMILTON FISH, Jr., New York
WALTER FLOWERS, Alabama	TOM RAILSBACK, Illinois
JOHN F. SEIBERLING, Ohio	CHARLES E. WIGGINS, California
ELIZABETH HOLTZMAN, New York	LAWRENCE J. HOGAN, Maryland

GARNER J. CLINE, *Counsel*
ARTHUR P. ENDRES, Jr., *Assistant Counsel*
ALEXANDER B. COOK, *Associate Counsel*

CONTENTS

	Page
Hearings held on—	
April 3, 1974.....	1
June 25, 1974.....	35
Testimony of—	
Chapman, Hon. Leonard F., Jr., Commissioner, Immigration and Naturalization Service, accompanied by James F. Greene, Deputy Commissioner; Charles Gordon, General Counsel; and Cornelius Leary, Executive Assistant.....	4, 36
Prepared statement.....	14
Additional material—	
Biography of Commissioner Leonard F. Chapman, Jr., Immigration and Naturalization Service.....	1
"U.S. Opens New Drive on Former Nazis," New York Times, Decem- ber 30, 1973.....	32

THE UNIVERSITY OF CHICAGO
LIBRARY

IMMIGRATION AND NATURALIZATION SERVICE OVERSIGHT

WEDNESDAY, APRIL 3, 1974

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON IMMIGRATION,
CITIZENSHIP, AND INTERNATIONAL LAW
OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:10 a.m. in room 2237, Rayburn House Office Building, Representative Joshua Eilberg [chairman of the subcommittee] presiding.

Present: Representatives Eilberg, Flowers, Holtzman, and Hogan.

Also present: Garner J. Cline, counsel; Arthur P. Endres, Jr., assistant counsel; and Alexander B. Cook, associate counsel.

Mr. EILBERG. The hearing will come to order.

Before I recognize the witness before the committee today, I would like to state for the record that this morning is a continuation of our oversight hearings held on the administration of the Immigration and Nationality Act.

Clause 28 of Rule XI of the Rules of the House of Representatives requires each standing committee of the House to review and study on a continuing basis the application, administration and execution of those laws or parts of laws, the subject matter of which is in the jurisdiction of that committee.

The Judiciary Committee, and particularly this subcommittee, has exclusive jurisdiction over immigration and nationality matters and we intend to properly carry out our oversight responsibilities.

Our witness today is the Honorable Leonard F. Chapman, Jr., Commissioner, Immigration and Naturalization Service, Department of Justice.

Without objection, I will insert in the record at this point his very distinguished biography which demonstrates his profound qualities of leadership and administrative ability.

[The biography of the Honorable Leonard F. Chapman, Jr., follows:]

BIOGRAPHY OF HON. LEONARD FIELDING CHAPMAN, JR., COMMISSIONER, IMMIGRATION AND NATURALIZATION SERVICE

Leonard F. Chapman, Jr., retired former Commandant of the Marine Corps, was sworn in as Commissioner of the Immigration and Naturalization Service (INS) on November 29, 1973. He succeeded Raymond F. Farrell, who retired March 31, 1973.

Commissioner Chapman was a full general as head of the Marine Corps from

January 1, 1968, until his retirement on January 1, 1972. His retirement ended a lifetime career in the Marines that began as a second lieutenant on July 1, 1935. He is 60.

During World War II, the Commissioner, who is a native of Key West, Florida, but who now resides in Virginia (311 Vassar Road, Alexandria), served mainly in the Pacific in combat roles. He was aboard the USS *Astoria* in the battles of the Coral Sea and Midway.

Also during the war period he was executive officer of the Marine Corps School, Artillery Section, at Quantico, Virginia. Subsequent to that tour he was operations officer and commanding officer of the 4th Battalion, 11th Marines, in the Pellieu and Okinawa campaigns. He was a lieutenant colonel at the time.

Following the war Lieutenant Colonel Chapman served as secretary of the general staff, Fleet Marine Force, Pacific, from September 1945 to July 1946, when he returned to the continental United States. From August 1946 until May 1949, he was stationed at Headquarters Marine Corps, Washington, D.C., serving as Executive Officer, G-3 section, Division of Plans and Policies.

Ordered to Marine Corps School, Quantico, Lieutenant Colonel Chapman completed the Amphibious Warfare School, Senior Course, in June 1950; then served as Chief of the Supporting Arms Group, Marine Corps Development Center. While at Quantico, he was promoted to colonel in July 1950.

In July 1952, Colonel Chapman departed Quantico for Camp Pendleton, California, where he joined the 3d Marine Division as regimental commander, 12th Marines. He sailed with the division in August 1953 for Japan, where he continued to command the 12th Marines. In August 1954, he was named Commanding Officer, Marine Barracks, U.S. Fleet Activities, Yokosuka, Japan, serving in this capacity until May 1956.

In July 1956, Colonel Chapman assumed duties in Washington, D.C., as Commanding Officer, Marine Barracks, and Director of the Marine Corps Institute. Two years after assuming these duties, he was promoted to brigadier general, July 1, 1958.

Following his promotion, General Chapman was assigned to Camp Lejeune, North Carolina, serving as Commanding General, Force Troops, Fleet Marine Force, Atlantic, until August 1961. He reported to Headquarters Marine Corps in September 1961 for duty as assistant chief of staff, G-4, and was promoted to major general on November 1, 1961. For exceptionally meritorious service in this capacity from September 1961 through December 1963, he was awarded his second Legion of Merit.

On January 1, 1964, General Chapman was designated as Chief of Staff, with the rank of lieutenant general. He was awarded the distinguished service medal by the Secretary of the Navy in the name of the President of the United States for "exceptionally meritorious service to the Government of the United States . . . while serving as Chief of Staff, Headquarters Marine Corps, from January 1, 1964 until June 30, 1967." The citation further states:

" . . . With outstanding professional ability, Lieutenant General Chapman was eminently successful in discharging the important and complex duties of the Office of the Chief of Staff. Through exceptional initiative and tireless dedication to duty, he directed and guided the Headquarters Marine Corps staff divisions and coordinated the components of the Marine Corps in attaining a level of unsurpassed combat readiness, during a period of increasing world tension and emergencies.

"He directed and led the Marine Corps staff effort in pioneering the development and utilization of the computer and other modern information processing machines thereby establishing the Marine Corps as one of the leaders in the application of automation in the field of military management. His personal efforts and expertise led to the development of the Marine Corps' Integrated Information System. With a thorough understanding of civilian personnel problems, Lieutenant General Chapman did much to develop a warm, effective relationship between the military and civilian staff members at Headquarters U.S. Marine Corps. . . ."

On July 1, 1967, General Chapman became assistant commandant of the Marine Corps. While serving as assistant commandant, General Chapman was awarded the Armed Forces Management Association Merit Award for 1967. He was cited for his "outstanding contribution to the Marine Corps and the Armed Forces in promoting and implementing improved management techniques enhancing the efficiency of operations within the Corps."

On December 4, 1967, General Chapman was nominated by President Lyndon B. Johnson to be the 24th Commandant of the Marine Corps, and his nomination for a four-year term was confirmed by the Senate on December 13, 1967. On January 1, 1968, he was promoted to four-star general on assuming the office of Commandant.

During his first year in office, General Chapman set a fast pace, travelling nearly 100,000 miles visiting Marines stationed around the world. The heavy Marine commitment to Vietnam took him to that country twice in 1968 and established a pattern for future travel.

In January 1969, General Chapman was presented the Order of National Security Merit, First Class, by President Park Chang-Bui of the Republic of Korea. Presented in the Presidential Palace in Seoul, the citation recognizes the Commandant's "distinguished services in strengthening the defense capabilities of the Korean Armed Forces." The citation noted that General Chapman had "contributed in great measure to the tightening of the bond of friendship between the Armed Forces of the Republic of Korea and the United States of America."

Later that month, General Chapman earned a Gold Star in lieu of second award of the Distinguished Service Medal for "exceptionally meritorious service to the Government of the United States of America while serving as Commandant of the Marine Corps." The citation further noted General Chapman's "dedication and preeminent leadership to the Corps" during a time when nearly a third of all Marines were engaged in combat operations in Southeast Asia.

General Chapman and his wife, the former Emily Walton Ford of Birmingham, Alabama, have two sons, both Marine officers: Leonard F. Chapman, III, commissioned in the Marine Corps in 1964 upon graduation from Duke University; and Walton Ford Chapman, commissioned in the Marine Corps in 1966 upon graduation from Duke. Both sons are Vietnam combat veterans. The elder is now studying law at the University of Florida as a Marine Major; the other has left active duty and is obtaining a Masters degree at the University of Michigan.

Mr. EILBERG. Mr. Commissioner, I have had the pleasure of meeting you before and after your confirmation as Commissioner. I was impressed with your firm desire—on both occasions—to bring renewed vitality and esprit de corps to the Immigration and Naturalization Service. This desire has been evidenced by your newsletter, known as "The Open Line," and by your visits to the Immigration and Naturalization field offices. Your awareness of the problems that have troubled the Service and your interest in solving these problems have been confirmed by the many Immigration and Naturalization offices with whom I have spoken.

I trust that you will be successful in developing the highest efficiency in the administration of the Service and the highest respect for its operations.

I want you to know that we will call you back to the committee from time to time so that we may, in carrying out our responsibilities, be kept fully informed on all operations of the Service, including financial requirements, personnel requirements, and any other matter pertinent to the effective operation of the Immigration and Naturalization Service.

Needless to say, we charge you with a great responsibility.

We want to formally welcome you to our committee.

In accordance with our policy, will you please submit your prepared statement for immigration in the record and proceed to summarize your statement.

TESTIMONY OF LEONARD F. CHAPMAN, JR., COMMISSIONER OF IMMIGRATION AND NATURALIZATION SERVICE, ACCOMPANIED BY JAMES F. GREENE, DEPUTY COMMISSIONER; CHARLES GORDON, GENERAL COUNSEL; AND CORNELIUS LEARY, EXECUTIVE ASSISTANT

Mr. CHAPMAN. Thank you, Mr. Chairman and members of the subcommittee. It is indeed a pleasure to have this opportunity after my 4 months on the scene to report on the accomplishments of the Service.

I am accompanied by Mr. James F. Greene, Deputy Commissioner and Mr. Charles Gordon, general counsel; and Mr. Cornelius Leary, who is my executive assistant and a lawyer. I find I need legal advice quite frequently in the discharge of these duties.

Over the last 4 months I have traveled rather extensively in January and February and visited all of our Regions, our major districts and a number of border patrol sectors, the Border Patrol Academy at Port Isabelle, Tex., and a number of lesser known facilities; and talked to hundreds of our people.

I would like to say, first, the people in this Service are very excellent, very high quality, dedicated, loyal, hard working in their service to this country.

Second, from talking and listening for many, many hours, with hundreds of people, it is quite clear that there are a considerable number of things we can do to improve the Service. We will consider all the suggested recommendations, and we will decide whether or not we can implement each one; and, in any event, we will let him or her know what we will do about it, if anything.

Third, it is quite clear, I think, that the magnitude of the task facing the Service and carrying out the provisions of the Immigration and Nationality Act is quite large and has grown in the order of magnitude while the Service has grown very little in the capability of handling these many functions.

Our tasks break down into two main parts:

Service to American citizens and the legal aliens in this country, and law enforcement which deals principally with illegal aliens and crime that arises from the illegal situation.

Under the heading of service, our inspections at the ports of entry, adjudications of requests for benefits under the laws of naturalization, and then, records, clerical work, and information that we are obligated to furnish to the millions of people who ask for information every year. All that is service. We are pretty well backlogged in those situations.

With regard to law enforcement, the problem is the very large number of illegal aliens in this country, more every day, and our efforts to keep them out and find those who are here and remove them.

The Congress has given us some additional help in the law enforcement area in the 1974 supplemental and in the President's fiscal year 1975 budget request, but we have not had help for quite awhile in the Service area, and we are arranging to request that through the proper channels in due time and we hope we will receive some help in that regard.

The other thing that I would like to mention briefly, that seems to me essential to law enforcement in illegal aliens, is to turn off the mag-

net that draws all of those people here, which is, simply, the opportunity to get a job in this country at wages that are far in excess that he or she could earn back home, wherever that may be; and they come from every country in the world, principally from Mexico, but everywhere. They come illegally over our borders and legally as tourists and students and then become illegal by staying and going to work. The numbers are very large.

Some method of turning off that attraction, the opportunity to get a job, seems to me essential. I am convinced from my brief time in the business that the illegal alien problem is largely insoluble if we can't turn off the magnet somehow. I just think it is not practical to build the Immigration Service large enough to bar the borders, and to go to all of the cities and countryside in this country and find all of these people and remove them.

With that brief introduction, sir, and with your permission, I would like to use some charts that I think will help in an understanding of our accomplishments and problems.

First a word on the size of the Service. These are the fiscal year 1974 personnel and officer and dollar totals to include the fiscal year 1974 supplementals the Congress grants.

SERVICE TOTALS

Personnel	7,982
Officers	5,193
Budget	\$153,678,700

We do not have the 300 that are in that supplemental yet. The funding became available just the first of this month. However, by the end of the fiscal year, 3 months from now, we expect to have approximately this number of people on board and these are the dollar totals.

For fiscal year 1975, the budget requests another 350 personnel, mostly in the law enforcement area; 200 of them are border patrolmen. There are some detention and deportation officers, and a considerable number of clerks, which will help us markedly in records, information, and our heavy backlog in the clerical area. Our budget goes up \$27 million to \$180 million, if the Congress approves it, and of that \$17 million are pay raises and the like, and \$10 million is principally for the additional 350 people.

Now, to run through briefly the activities of the Service and the amount of money and number of people devoted to each one in the budget for fiscal year 1974.

First, service, the major function of service which includes inspection at the ports of entry, adjudications for benefits under the act. I won't read these off. They are obvious.

FUNCTIONAL ACTIVITIES OF THE SERVICE EXAMINATIONS

Inspections: To inspect persons applying for admission into the United States, facilitate the entry of those lawfully admissible, exclude those found inadmissible.

Adjudications: To adjudicate petitions and applications for benefits.

Total personnel	1,888
Officers	1,423
Budget	\$37,696,400

Now law enforcement, border patrol and investigations, these people and funds and with these duties.

Border patrol: To prevent smuggling and unlawful entry, apprehend persons guilty of such violations, and guard the international boundaries, the Gulf and Florida coasts.

Total personnel	2,122
Officers	1,826
Budget	\$46,000,500

Investigations: To search for and apprehend aliens illegally in the United States, investigate other violations of immigration and nationality laws, and investigate applicants for benefits under those laws.

Total personnel	1,383
Officers	1,036
Budget	\$25,380,200

This is more law enforcement, the illegal aliens are found, detained as necessary and are deported and removed.

Detention and deportation: To take into custody and expel aliens unlawfully in the United States and furnish reports to Congress relating to private bills for the relief of aliens.

Total personnel	687
Officers	476
Budget	\$15,933,800

Naturalization: To encourage and facilitate the naturalization of applicants, and to prevent the naturalization of persons not qualified for citizenship.

Total personnel	413
Officers	204
Budget	\$7,637,700

Naturalization is a service function, the heartwarming part of our business. We are making American citizens out of good people.

Records and general administration, this is a very large undertaking. I have got some charts to demonstrate, and this is general support of the administration of the Service.

Immigration and naturalization records: To receive, record, file, and produce documents of entry, departure, and naturalization of aliens.

Total personnel	972
Officers	47
Budget	\$11,678,800

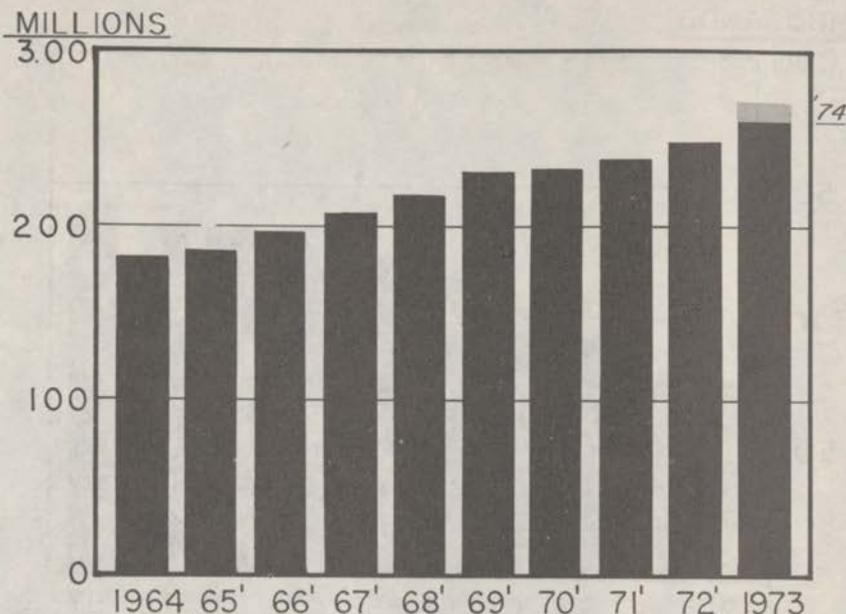
General administration: To provide services to facilitate and support operational activities.

Total personnel	517
Officers	181
Budget	\$9,351,300

Turn then to our workloads. We have prepared some charts covering this 10-year period, and with a projection for fiscal 1974.

First, the number of people inspected last fiscal year at our ports of entry, land, sea and airports, 260 million last fiscal year.

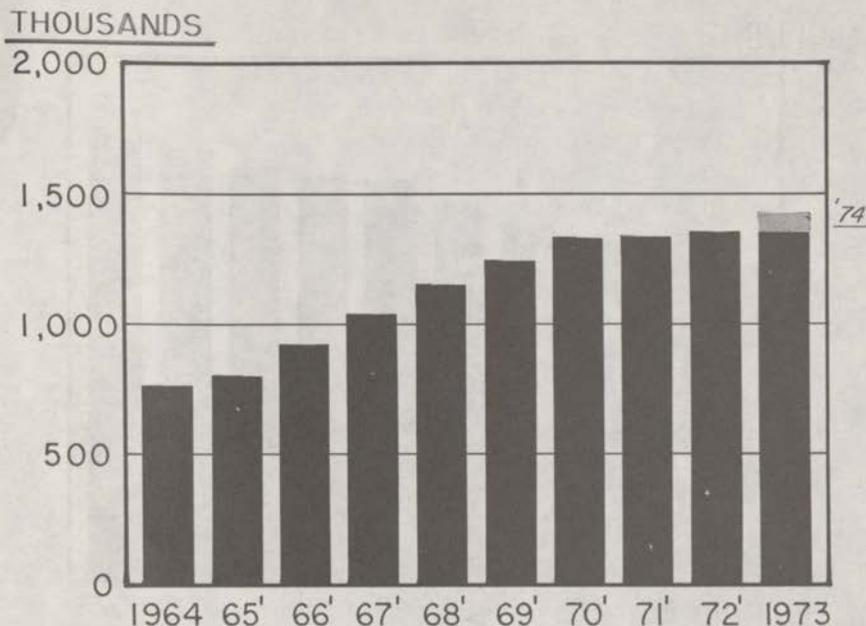
PERSONS INSPECTED—1964-1973
(With fiscal 1974 projections)



We expect a rise to about 275 million this fiscal year. It is a very large number of people. They broke down to 112 million citizens and 148 million aliens. The aliens further broke down into 138 million of the 148 million are border crossers. So that it is not 260 million different people. There are many people who come back and forth almost daily; 138 million are border crossers. There are 400,000 immigrants and 10 million nonimmigrants, and that further breaks down into 90,000 students, 4 million tourists, 3 million crewmen and 3 million in various other small categories.

As you can see, the numbers have increased about a third over the 10-year period; whereas, our inspections of force has not increased at all, so we do have backlogs at airports and ports. There are new international airports opening up it seems like every week somewhere in the country, and we find difficulty manning them. Sometimes we are not able to man.

APPLICATIONS RECEIVED—1964-1973
(With fiscal 1974 projections)



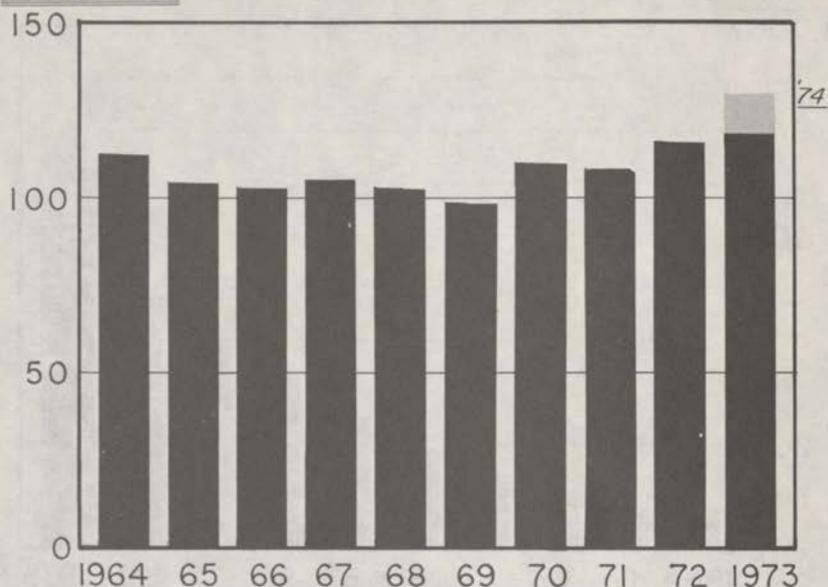
These applications for adjudication benefits under the law, you see, have almost doubled over the 10-year period. The adjudications backlogged at the end of last calendar year total 431,000, which was some 38 percent more than the close of 1971, so that the adjudication examiners who examine these matters are pretty well backlogged.

And inspectors participated in seizures of marihuana and other dangerous drugs, mainly on the Mexican border, and that amounted to some \$9 million in contraband and drugs.

With regard to persons naturalized, it stayed fairly steady over the years.

PERSONS NATURALIZED—1964-1973
(With fiscal 1974 projections)

THOUSANDS



We expect a considerable increase, however, in 1974, this year. These numbers of people have become citizens or received other benefits during the year. 168,000 petitions for naturalization were completed during 1973, which was an increase of 8,000 over 1972; 121,000 persons obtained citizenship, which was a 10-year high, and at the end of fiscal 1973, there were some 17,000 citizenship applications pending and some 41,000 nationality applications pending. So we have got some backlogs there also.

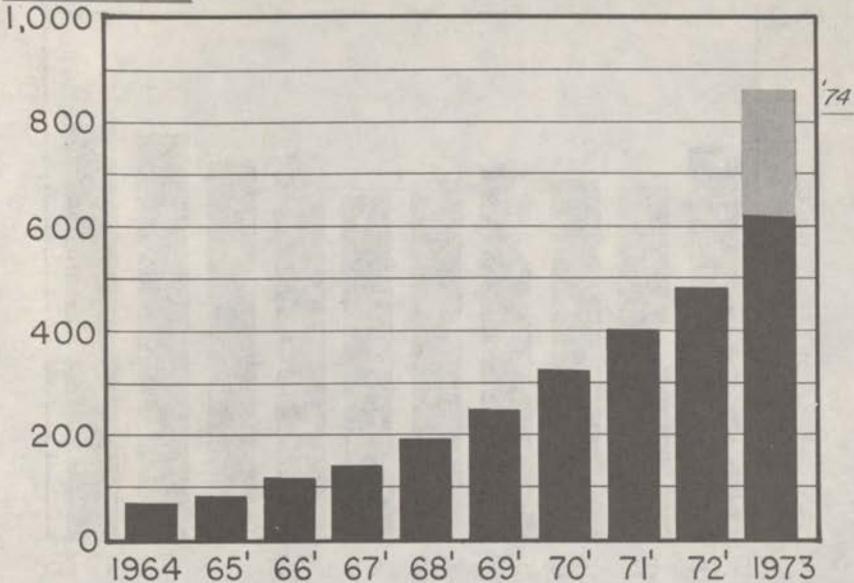
With respect to the records to back up these three service functions of inspections, adjudications, and naturalization, we received some 8 million public inquiries during fiscal 1973, which was a half million greater than 1972. We made about 4½ million index searches and we received some 4½ million alien address reports, supposed to come in January of every year.

That is a brief summary of the workload in terms of the service area.

We turn to law enforcement:

DEPORTABLE ALIENS LOCATED—1964-1973
(With fiscal 1974 projections)

THOUSANDS



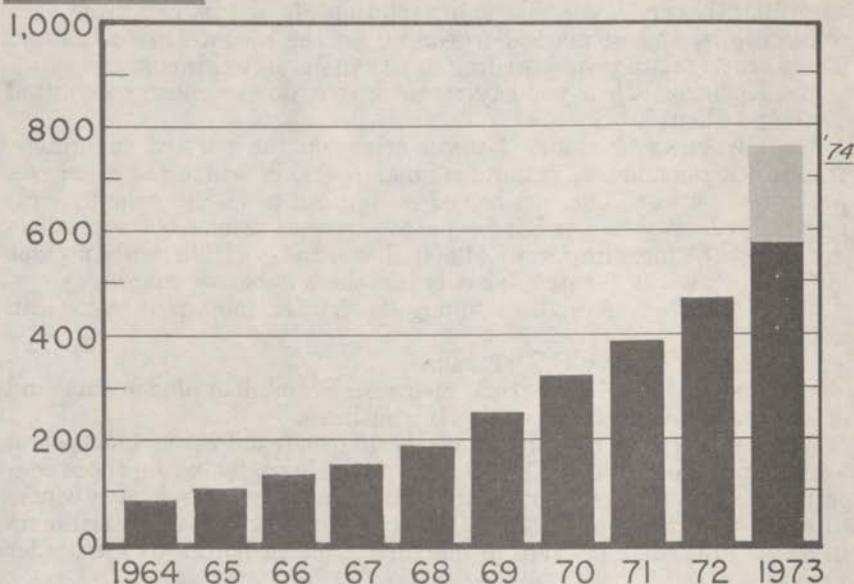
This is a picture of the illegal aliens found on the borders, ports of entry, and within the country during fiscal year 1973, 600 and some thousand. We expect this fiscal year to find between 850,000 and 900,000, and we move or deport most of them.

We probably are finding or preventing entry of 1 out of 4 or 5, possibly only 1 out of 8 or 10. We really don't know how many. Border patrol, gets about 1 out of 3 on the borders. I must have asked the question a hundred times, how many are there. No one knows. There are estimates which range from 1 or 2 million up to 7, 8 or 9 million. The number is perhaps somewhere around 4 or 5 million in the country now and more coming in every day. It is a very difficult problem for our country, I believe, and I will just repeat that I think that without turning off the magnet that draws them here, the problem is largely insoluble. I don't think it is physically possible to solve it on the border and investigate in the country.

Of these located, these numbers were removed or deported, and here is the number we expect for the current fiscal year.

ALIENS EXPELLED—1964—1973
(With fiscal 1974 projections)

THOUSANDS



It is a large number. This number for 1973 was 585,000 aliens expelled, 25 percent increase over 1972, and 200 percent increase over 1968. Of course, it is about seven or eight times the number 10 years ago.

It is going up every year.

Of those we found, 292,000 were held in custody for brief periods and of those held in custody, 95 percent were Mexican nationals.

The border patrol, in line with their duties of preventing entry of illegal aliens between the ports of entry, apprehended in the last 4 months, December 1 to April 1, the length of time I have been on the scene, some 195,000 on the Mexican border, which was an increase of 49,000 over the same 4-month period a year ago. This is an indication of the magnitude of the growth.

Mr. EILBERG. Mr. Commissioner, just a question. Do you have the facilities and manpower and money to do that?

Mr. CHAPMAN. To detain them, Mr. Chairman?

Mr. EILBERG. Yes, sir.

Mr. CHAPMAN. Yes, sir; we do. Our facilities are running near capacity but they are not over capacity as yet. We hold, of course, for a very brief time, an average of only about 2 days.

Mr. EILBERG. What facilities do you keep them in—home facilities or county jails?

Mr. CHAPMAN. Both, sir. We have five facilities: New York, El Paso, Tex., El Centro, Calif., Chula Vista, Calif., and Port Isabele, Tex., that we operate. However, if we do not have a nearby facility, we use local, county and city facilities.

Certainly, the second most important aspect of all of the illegal

aliens situation is the crime that is now growing out of it, which to me is quite worrisome. Smuggling illegal aliens has become a very lucrative business, \$2 to \$6 or \$700 a head and \$50 or \$100 a month constitutes a pretty good sized income. So, we have the classic situation of a very lucrative endeavor that is in violation of the law, and from that comes crime, and crime is burgeoning on the illegal alien situation. There are so many people willing to pay to get into this country—

Mr. EILBERG. When you say recent crime, do you mean committed by illegal aliens?

Mr. CHAPMAN. No, sir; I mean crime on the part of smugglers, fraudulent documents, fraudulent marriages, in which the alien is a part of the crime. The number of smuggling cases has gone up dramatically. Last year the border patrol arrested some 6,000 smugglers in the act of smuggling some 41,500 aliens, and we have really no idea how many we didn't catch. That is just the number we caught.

Ms. HOLTZMAN. Are these smugglers for the most part American citizens?

Mr. GREENE. Mostly U.S. citizens.

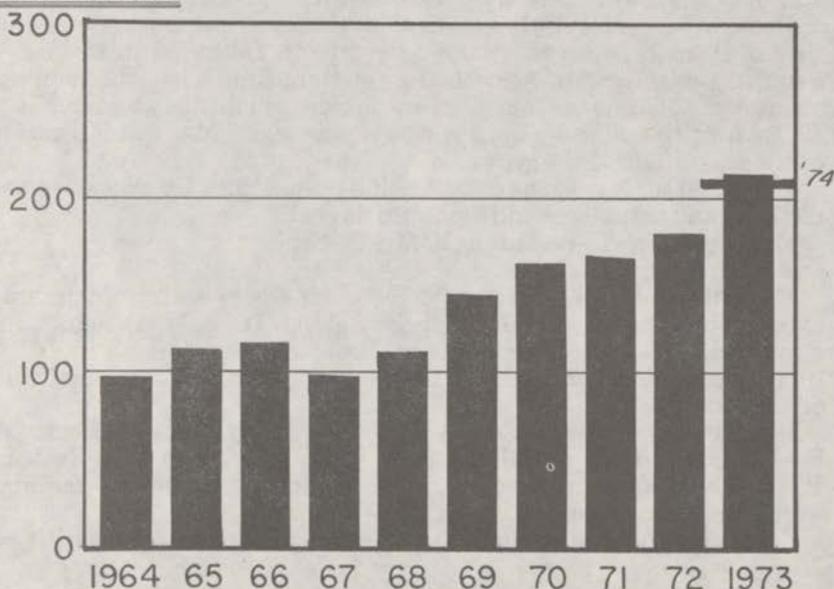
Mr. CHAPMAN. Mostly U.S. citizens. Fraudulent documents and marriages have likewise become a big business.

In fiscal 1973 we completed nearly 15,000 fraud cases. Our patrol agents apprehended some 3,300 violators of laws, including those concerning marihuana, narcotics and dangerous drugs, and have confiscated an all-time record of \$23,500,000 worth of principally marihuana in fiscal 1973; some 107 tons of marihuana on the border by the border patrol.

With respect to fraud, those are the number of investigations that were completed in fiscal year 1973, a little over 200,000—you notice a small reduction in 1974.

INVESTIGATIONS COMPLETED—1964-1973
(With fiscal 1974 projections)

THOUSANDS



Our investigator force was increased by the fiscal year 1974 supplemental; however, a good many of the older investigators have retired during the year as a result of the increase of retirement benefits for Civil Service, and we have taken on a number of trainees, using up the time of experienced investigators. Next year, however, we expect this number to go up appreciably.

Those charts summarize the workloads and some of our problems.

As I said, we have received some substantial increases in law enforcement already from the Congress, and there are others in the 1975 budget. No increases, however, in the service area, and we have now put together an analysis and summary, and we will request help in that area through the proper channels.

I might mention a few of the more important things we have done in these 4 months to improve and reorganize the service, starting with the reorganization of the central office, as it is called, the headquarters here in Washington. The previous organization had a Commissioner and two Associate Commissioners who each had delegated authority in his own area, operations and management, and it apparently was not working as well as it might. One of my first acts was to reorganize the central office which provides a Deputy Commissioner, Mr. Greene, and his staff, and then three Associate Commissioners, one for enforcement, one for examinations, and one for management.

The post of a Deputy Commissioner to be the fulltime coordinator-supervisor of the staff is Mr. Greene's assignment. He also acts as Commissioner in my absence.

The second major change was to convert the Associate Commissioners to staff officers and that is what they are, staff officers, not in the chain of command.

The third thing was the planning and evaluation group which provides the analysis and staff capacity that is needed at the headquarters to analyze the problems and work out better ways of handling our assignments, to work out ways of employing automated systems and management analysis and that kind of thing. It will be of considerable help to us, I believe.

Some of the other things we have done are to start a staff project system whereby a problem is identified and described and a deadline is set up and then assigned to one of the staff agencies to analyze and work out recommended solutions. We were assigned some 23 staff projects so far, and I have in my notebook about 20 more. We have launched a progress reporting system which will enable us to keep track of what we are doing and predict what we would like to do or believe that we should do, and publish monthly to all of the members of this Service to see where we are, what we are doing and where we are trying to go.

You mentioned the Open Line. That answers the questions sought on the part of those members of the Service, as to information on what is going on, and I think we are filling that need. It seems to be a very popular publication. It comes out twice a month.

The number of visits I have made and Mr. Greene is making to our installations is of considerable help.

I mentioned the further analysis of our situation to do our job right.

Finally, I changed the public information policy of the Service

from one of retirement to one where our principal people in their own areas are encouraged to tell the story to the media of the Immigration and Naturalization Service and the problems that face them and the American people.

Those are some of the things, and that constitutes a brief summary of where we are, and where we hope to go.

We will be more than happy to try to answer any questions you might have.

[The prepared statement of Commissioner Chapman follows:]

STATEMENT BY HON. LEONARD F. CHAPMAN, JR., COMMISSIONER OF IMMIGRATION AND NATURALIZATION

Mr. Chairman and members of the Subcommittee it is an honor to appear before you today to give you a report on my first four months in office and to present some of the future plans and goals of the Service. I am accompanied today by James Greene, our Deputy Commissioner, and Charles Gordon, our general counsel. Both of these men are well known to you members of the Subcommittee and have been of immeasurable help to me in acclimating myself to my new position.

First, I would like to make some general observations. During the past four months I have visited all our Regional Offices and most of our larger Districts and met hundreds of our employees. I must say I have been favorably impressed with the caliber of the employees of the Service. They are a dedicated, loyal, hard working group and I am proud to be associated with them. Secondly, the magnitude of the task of the Service is overwhelming. In the last ten years the workload of the Service has increased many multiples and the work force hardly at all.

This Service has two primary goals which are to provide fast efficient service to the public, and to enforce the immigration and nationality laws of the United States.

SERVICE TO THE PUBLIC

The Immigration and Naturalization Service is a Service agency which must respond to the demands of the public. Inspection for admission into the United States, applications for adjudications of benefits under the immigration law, naturalization, and record-keeping—our four primary service missions all reached record highs in the last Fiscal Year, and we have some large backlogs in most of these functions.

LAW ENFORCEMENT ACTIVITIES

Immigration and Naturalization Service is one of the principal law enforcement agencies in the United States. The past few years has witnessed a startling increase in the number of illegal aliens. There has also been an increase in crime associated with the illegal alien in the form of smuggling. Smuggling has become most lucrative and a number of organized rings have gotten into the business. This entry, by both legal and illegal means, already extraordinarily large, is expected to continue. The control of illegal aliens does not meet reasonable law enforcement standards. We feel that the deluge of aliens, particularly on the United States/Mexican border, must be checked. Increases in enforcement resources must be employed to deter and apprehend illegal entries, and stop the escalation of this problem.

RESOURCES

To meet these two goals, the need for additional resources is, we feel, urgently required and clearly demonstrated by workload increases and arrearages. The Congress has approved some increases for us in the Fiscal Year 1974 Supplemental. Others are included in the 1975 budget request. We are now preparing a request for further increases. In addition to money and manpower, we need the Rodino bill (H.R. 982) enacted into law. Unless the incentive for aliens to come here illegally is removed, the illegal alien problem, which is already far beyond our present capabilities, will become totally insoluble.

WORKLOAD

It would be well at this point to briefly list some of our accomplishments last year which are indicative of the tremendous increase in workload we are experiencing. I also asked our people to statistically break out significant workload items for the period December 1, 1973 to April 1, 1974, the first four months of my incumbency. These workloads are grouped according to public service-related or law enforcement-related activities.

PUBLIC SERVICE ACTIVITIES

Inspection for Admission into the United States.—Nearly 260 million persons were inspected and admitted into the United States during Fiscal year 1973, an increase over fiscal year 1972. During the past four months, in spite of the worldwide fuel shortages, the number of aliens admitted increased 11.1% and the number of citizens increased 9%, over the corresponding four month period last year. This spiraling trend in international travel has continued over the past 28 years. The number of international travelers arriving by sea and air exceeded 14 million, a 13% increase in one year. 379,604 aliens were found to be inadmissible to the United States in fiscal year 1973. This is the highest number on record, and an increase of 68% over the last five years. A check for the past four months shows this high trend is continuing.

APPLICATION FOR ADJUDICATIONS

Applications received for benefits under immigration and nationality laws reached a new high of 1.4 million in fiscal year 1973, the seventh consecutive year they have exceeded 1 million. The high rate of receipt has continued since December 1, 1973, with visa petitions increasing about 10% over the corresponding period last year. Adjudications backlogged on December 31, 1973 totaled 131,498 up 6 percent more from the previous year and a significant rise of 38 percent from the 94,190 applications awaiting action at the close of 1971.

DRUG TRAVEL CONTROL

Immigration Inspectors, as an adjunct to their immigration law responsibilities, participated in 4,189 separate seizures (\$9.3 million worth) of marijuana, narcotics and other dangerous drugs in 1973, mainly on the United States/Mexican border.

NATURALIZATION

Over 168,000 petitions for naturalization were completed during fiscal year 1973, an increase of over 8,000 from 1972. In 1973, 120,740 persons became citizens—a 10-year high—4,500 more than the number naturalized during fiscal year 1972. At the end of last fiscal year there were 17,236 citizenship applications pending, an increase of 51 percent over the 12,200 pending at the close of 1972, and 85 percent over the 9,928 pending at the close of 1971. Receipts for the period December 1, 1973 to April 1, 1974, continue at about the same rate and the rate of completion is likewise the same. Pending nationality applications at the end of fiscal year 1973 were 41,131 up 34 percent from the 30,649 pending at the close of 1972 and 78 percent from the 23,135 pending at the close of 1971.

IMMIGRATION AND NATURALIZATION RECORDS

In the records area, nearly 8 million public inquiries were handled during fiscal year 1973, exceeding 1972 by 557,000. There were 4.4 million index searches made in 1973, an increase of 569,000 over fiscal year 1972. Over 4.6 million alien address reports were received, a gain of 222,000 since 1972. During the period December 1, 1972 to April 1, 1973 the number of immigrant visas processed increased from 98,900 to 115,740 and the number of nonimmigrant arrival-departure records increased 212,532 from 2,318,744 in December 1972; April 1973 to 2,531,276 in the corresponding 1973-74 period.

LAW ENFORCEMENT ACTIVITIES

Detention and deportation.—In the detention and deportation areas some 585,000 aliens were expelled from the United States last year, a 25 percent increase over fiscal year 1972, and a 209 percent increase over fiscal year 1968.

Expulsions currently (through April 1) are proceeding at a rate of almost 32 percent greater than the corresponding period last year. Over 292,000 aliens were admitted to custody in Service and non-Service detention facilities, an increase of nearly 7 percent over fiscal year 1972 and a 129 percent increase over the past 5 years. Of those admitted, 95 percent were Mexican nationals. While expulsions have increased a total of 32 percent during the current period aliens admitted to facilities have increased only 5 percent indicating that a larger percent are being removed more quickly thus eliminating the need for detention.

BORDER PATROL

Border patrol agents located 498,000 deportable aliens during fiscal year 1973, an increase of 129,000 or 35 percent over fiscal year 1972. Since 1965 there has been an increase of 850 percent in the number of illegal aliens apprehended. During the period December 1, 1973-April 1, 1974, the border patrol apprehended 195,000 deportable aliens, an increase of 49,000 or 34 percent over the same period 1 year ago. This is the largest number of deportable aliens apprehended during any similar period in nearly twenty years following Operation Wetback in 1954.

ALIEN SMUGGLING ACTIVITY

Likewise, the volume of alien smuggling has continued to rise. In 1973, border patrol agents arrested 6,355 smugglers, an increase of 39 percent over 1972. Smuggled aliens apprehended rose by 67 percent from 24,919 in 1972 to 41,589 in 1973, nearly tripling the increase in fiscal year 1972 (26 percent.)

VIOLATORS OF OTHER LAWS

Last year, in our efforts to enforce the immigration laws, our patrol agents apprehended 3,342 violators of other Federal, State, and local laws, including 1,984 violators of marijuana, narcotics and dangerous drug laws.

DRUG SEIZURES

Our patrol agents also set an all-time record by seizing \$23.5 million of marijuana, narcotics and dangerous drugs in 1973. This included over 214,000 pounds (107 tons) of marijuana, an increase of 98 percent from the record high of 108,000 pounds (54 tons) seized during fiscal year 1972.

INVESTIGATING ALIENS' STATUS

In the Investigations activity, over 214,000 investigative units were completed during fiscal year 1973, an increase of nearly 35,000 over the 1972 completions. The pending investigative caseload at the end of 1973 totaled 53,000, an increase of 20 percent over the fiscal year 1972 year-end volume, and foretells a continuing heavy workload.

DEPORTABLE ALIENS LOCATED BY INVESTIGATIONS

There were over 137,000 deportable aliens located by investigators in 1973, up 22 percent from last year. Seventy percent were Mexican nationals.

IMMIGRATION FRAUD

There were nearly 15,000 fraud cases completed during fiscal year 1973. About 11,000 cases are pending, and a tremendous reservoir of potential cases exist that can be investigated with additional manpower.

The foregoing briefly sets forth our major programs and their current status. During fiscal year 1974 a Supplemental Appropriation Act authorized 300 additional positions for the Service which brings our authorized force up to 7,982. I might point out that from fiscal year 1965 our authorized force has increased but 13 percent (7,043 to 7,982) while, as you can see, our workload in all areas has increased many, many multiples of that figure.

For fiscal year 1975, we are requesting 350 additional jobs and as hard data becomes available as the results of studies that have been initiated, further requests will be made. However, I must reiterate that unless the Rodino bill (H.R. 982) is passed to penalize a knowing employer of illegal aliens the number of enforcement people required by the Service will be impractically large. In that

regard we also believe H.R. 981, in addition to being an eminently more fair method of distributing visa numbers in the Western Hemisphere, can have a definite and favorable impact on the illegal alien situation. It will permit visa numbers to persons already here with close family members or needed skills in short supply so that they may proceed to lawful permanent residence. It may also encourage aliens who can qualify under the preference system established in H.R. 981 to apply at American Consulates in their home country rather than coming to the United States illegally.

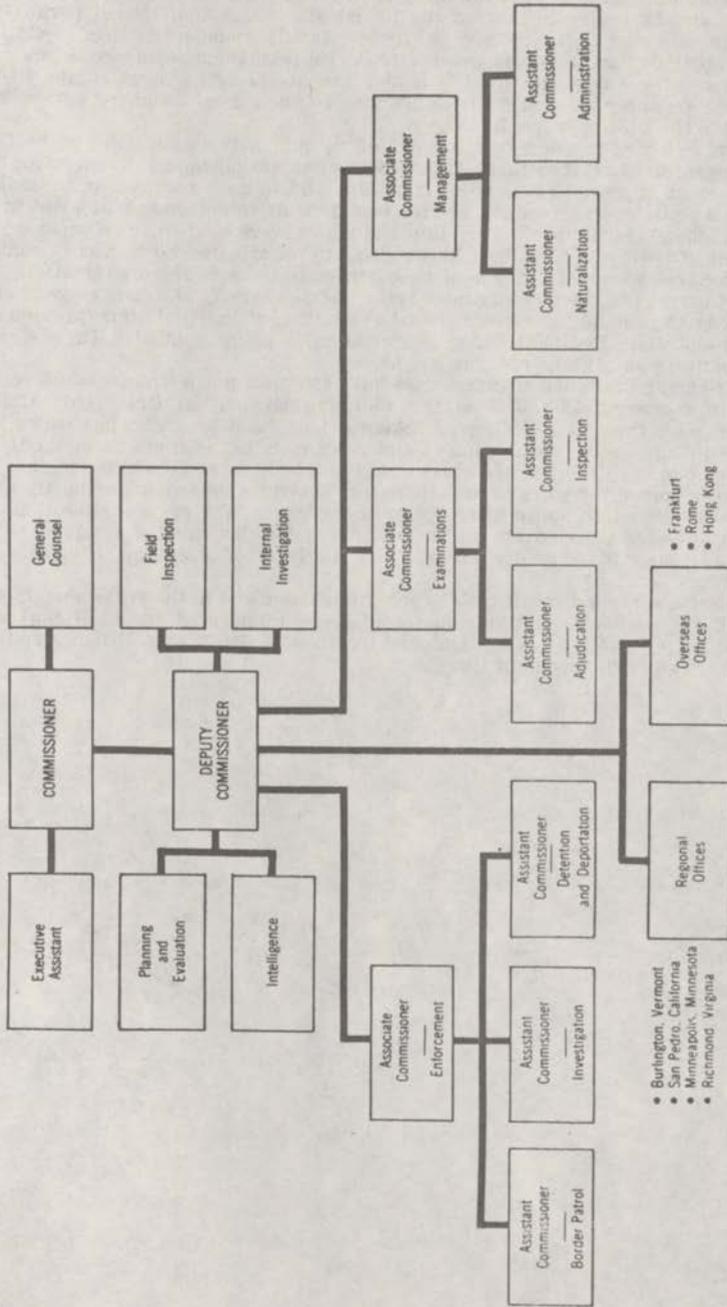
When I started my new position one of my first acts was to review the Service's organizational structure. The two-pronged arrangement of operation and management appeared to me to be confusing and to have resulted in an undesirable polarization of personnel. It also was difficult to determine, at least in the central office, which officers were line and which were staff—in fact most were a little bit of both which made it burdensome to coordinate and to assure conflicting directives were not being sent to subordinate units in the organization.

The Central Office was reorganized effective January 7, 1974 (see copy of chart attached) to provide for a more positive definition of line and staff functions. At the present time Regional Office organization is being studied with a view to determining what, if any, changes are needed.

The Central Office organization does have two new units which should receive separate comment. The first is the Planning Evaluation Unit. This Unit is charged with the responsibility of taking a long hard look at what we've been doing and how we've been doing it and recommending changes in methods and equipment to keep the Service abreast of the latest in procedural techniques and mechanical means of work accomplishment. The Internal Investigation Unit will be used to assure in-house integrity of operation. At the present time it is conducting investigations of alleged infractions of Service rules of conduct. It provides a means to centrally control our methods of handling allegations of misconduct.

The Service has a difficult task to accomplish now and in the years ahead. However, I am confident that our fine employees, augmented by additional well-trained people and up-to-date equipment, will do a job that will make you and the American public proud of them.

IMMIGRATION AND NATURALIZATION SERVICE



Mr. EILBERG. Thank you for that very enlightening statement on the operation of the Service.

Mr. Commissioner, you touched on the problem of the backlog. Numerous instances have come to my attention concerning administrative delays.

What have you done and proposed to do to bring about more expeditious adjudication procedures?

Mr. CHAPMAN. Yes, sir; I have touched on that, and those complaints are valid. We have a backlog in the adjudication and examination areas. We are trying to find ways to do things more efficiently and speed up the things we have, but the basic requirement is more people to handle the millions of requests of adjudication we are getting. As I say, we are putting together that request now.

Mr. EILBERG. Regarding your comment on the amount of narcotics seized, it has come to my attention recently that in addition to the U.S. border patrol, there is a U.S. customs patrol operating on the United States-Mexican border. I am well aware of the splendid record and the efficiency of the border patrol, and it would seem to me that an addition of a customs patrol would be a duplication of activity and a needless waste of tax dollars.

I can also foresee the possibility of a conflict between two patrols operating in the same area. Furthermore, the well-experienced border patrol officers who have maintained a high rate of apprehensions, not only of illegal aliens but also of attempted smuggling and transport of narcotics, would appear to preclude the need for a separate patrol. If additional personnel were required in the border patrol, it may be well to transfer the customs patrol into the Immigration and Naturalization Service border patrol.

Would you comment on that situation?

Mr. CHAPMAN. Well, customs had a patrol until 1948 when it was deactivated. During the intervening period of some 25 years, there was no customs border patrol. Last October or November they began the creation, re-creation, of a border patrol on the Mexican border and also on the Canadian border. I can only express a personal opinion: the customs border patrol is unnecessary, it is illogical, and, in my opinion, wasteful. It is unnecessary, since we already have an excellent border patrol. It has been there 50 years. In May 1974, is the 50th birthday of the Immigration border patrol.

I think it is illogical in that there is very little, almost no contraband between the ports of entry and the amount of marihuana between the ports of entry on the ground it is insignificant compared to the total marihuana that is coming into this country. It is estimated some 40 percent is coming from the West Indies, for example, and that that is coming from Mexico, it is coming by air and boat. The bulk is not coming over the border on the ground.

The problem on the border is illegal aliens, and what we need for that, as you say, are increases in the Immigration border patrol, not the creation of another border patrol which, as far as I can see, doesn't really tackle the problem. If both of those things are correct, then I think it is obvious it is wasteful.

Mr. EILBERG. Apparently, there are conflicts between the two.

Mr. CHAPMAN. Yes, sir; there are conflicts between the two, the relations between the people of the Immigration and customs, border

patrols are good. They make strong efforts to work together. But it is inevitable, with two-armed outfits doing approximately the same thing without any overall coordination, conflicts are bound to arise and they have.

I might say this whole matter is now under study in the Government. We have made our proposal as to how we feel is the best way to secure our borders, not only the line but the air, and our water and boats as well, and to include communications and intelligence activities.

Mr. EILBERG. Mr. Commissioner, there have been newspaper articles and numerous inquiries to the committee concerning certain Haitians who have sought asylum in the United States. Would you inform the committee on the present status of these requests for asylum and also describe the procedure by which asylum is granted?

Mr. CHAPMAN. Some 800 Haitians who have come to the attention of our Miami district office, all of them are here illegally. They got here one way or another. Of the 800, there are some 78 in detention. No family, no roots in the United States, and because they were unable to provide the minimum bond which is \$500.

We moved 50 to our detention center in Port Isabel, Tex., because of the dissatisfaction expressed by the local leaders in the Miami area. We have no facilities there so we were retaining them in the local Miami jail facilities. One of those so retained was subsequently released for the treatment of TB; six others on bond. Of the remainder in south Florida, 6 are presently hospitalized at Government expense for treatment of TB and 26 are being held in the Opa Locka, Fla., jail for treatment of venereal disease.

Since the United States is sympathetic with refugees, those requesting asylum have had their cases considered, and we have consulted with the State Department, and we have given the same consideration to their cases as we do others in this same status. A few have substantiated their claims for asylum and they have been granted, but the vast majority have been found to be here for economic reasons, not for political or ethnic or any other asylum reason; so we have had to deny their request.

Following the deportation order, attorneys for some of the Haitians have taken their cases to court. If the Service position is upheld by the Fifth Circuit of Appeals we expect to move these Haitians from the United States unless there is a further review by the Supreme Court.

Since January, the 13th, no additional Haitians have shown up, so we think that is because the word has gotten to Haiti that it is not possible any more to make their way illegally into the United States and get permission to stay.

Mr. EILBERG. Mr. Commissioner, you mentioned bonds in a minimum amount of \$500. My information is that minimum bonds were \$1,000, rather than \$500.

Mr. GREENE. We specified \$500 per alien. They have asked us to set up a blanket bond which we have refused to do.

Mr. CHAPMAN. The chairman is asking is \$1,000 the prescribed minimum?

Mr. LEARY. Section 242 requires that the bond be set in an amount not less than \$500.

Mr. CHAPMAN. I didn't answer your question about the current procedure. This is a fairly lengthy and complicated thing. Would it be satisfactory if we submitted it for the record?

Mr. EILBERG. Yes, sir.

[The information referred to follows:]

Any alien in the United States who requests asylum is interviewed by a Service Officer and given an opportunity to present any evidence he may have to support his case. If the District Director having jurisdiction over the local office is satisfied that the alien would suffer persecution on account of race, religion, nationality, membership of a particular social group or political opinion if he should be required to return to his home country, may grant the applicant asylum in this country if no other form of administrative relief is available. All approved cases are reviewed annually.

If the District Director is not satisfied, the case is referred to the Office of Refugee and Migration Affairs of the Department of State for an expression of its views and recommendations. If a difference of opinion arises between the Office of Refugee and Migration Affairs and the District Director who is responsible for the final decision, the matter is referred to the Central Office for resolution.

At the present time there are 761 aliens in asylum status in the United States, about 7 less than a year ago. Poland with 193 represents the largest number of any nationality. About 40 percent are from Iron Curtain countries. Of interest, is the fact that during calendar year 1973, 1,543 cases were referred to the Office of Refugee and Migration Affairs for an expression of its views. The greatest volume of these requests come from nationals of Haiti, Chile and the Philippines and Poland. The Office of Refugee and Migration Affairs recommended favorably in only a few of the cases involving Haitians, Chileans and Filipinos.

Mr. EILBERG. Some groups, including the National Council of the Churches of Christ in the U.S.A., have been critical of the service for detaining Haitians in detention facilities, the separation of families and the imposition of parole bonds set at \$1,000 per detainee. You mentioned \$500, and that is why I questioned you.

Mr. CHAPMAN. The bond set is \$500, which is the minimum under the law.

Secondly, there have been no families separated. Those detained have only been single males and only those who were not able to post \$500.

I might mention, of the 800, a little over a 100 have absconded and we are unable to find them.

Mr. EILBERG. You mentioned some have been granted asylum and some have not, and I wonder what your policy is with regard to those granted asylum.

Mr. CHAPMAN. First, we obtain the recommendation of the Office of Refugee and Migration Affairs. They make a recommendation to us as to whether there is justification for a claim for political or other kinds of asylum. We depend heavily on their recommendation. But the decision, however, rests with the Attorney General delegated to the Commissioner of Immigration.

Mr. GREENE. Basically, when they make their application a statement is taken from them. The district director can grant asylum at that juncture. If he decides not to, he consults the Department of State.

Mr. EILBERG. How many requests for asylum have been granted?

Mr. CHAPMAN. Just a few. I don't have the exact number.

May we submit that number for the record? There are just a few.

Mr. EILBERG. Do you have the circumstances under which those requests were granted?

Mr. CHAPMAN. Of those particular Haitians? We can get them for the record.

[The information referred to follows:]

Asylum status has been granted to the following Haitians in the Miami area: Gabriel Rochambau, placed in asylum status on March 6, 1973 at recommendation of the Office of Refugee and Migration Affairs, Department of State. The subject's father conspired to bomb the palace and was killed by the Ton-Ton Macoute.

Jeannette Jean-Baptiste, wife of Rochambau. Placed in asylum status same date.

Sarita Cambronne, granted asylum status on February 6, 1974 by the District Director, Miami, Florida. Subject is the daughter of Haitian Coast Guardsman involved in the revolt.

Gerard Caidor, and brother Yves Caidor, granted asylum on basis of recommendation by Office of Refugee and Migration, dated March 12, 1974. Subjects are brothers of Raoul Caidor who was a member of the Haitian Coast Guard revolt.

Mr. CLINE. I think what the chairman is referring to are those cases of asylum granted to Coast Guardsmen from Haiti?

Mr. LEARY. But most are from the Coast Guard vessel which landed at Guantanamo but there are a few people who received some political notoriety, that is a small group.

Mr. CLINE. In a Coast Guard vessel?

Mr. LEARY. Yes.

Mr. CLINE. We have received no information that reprisals have been taken against those whom we have sent back to Haiti.

Mr. CHAPMAN. With respect to only a few, we have recognized that claim and have granted asylum—but the judgment of the State Department and our judgment is that the rest are economic refugees who have come to this country to get a job.

Ms. HOLTZMAN. Mr. Chairman?

Mr. EILBERG. Ms. Holtzman?

Ms. HOLTZMAN. Thank you, Mr. Chairman.

I would like to welcome the new Commissioner and am pleased to see that after 4 months you still seem pretty optimistic.

I want to get into another area of law enforcement with you. It really stems from an article that appeared in the New York Times in December of last year. The allegation in that article is that the Immigration Service was less than diligent in pursuing Nazi war criminals in this country. Last December, the Times reported that the Immigration Service initiated a stepped-up effort to get so-called Nazi war criminals who are in this country. I would like to explore specifically what steps have been taken with respect to the so-called Nazi war criminals still here.

The Times mentioned there were 38 persons whose names have been submitted to the Immigration Service.

Can you tell me whether any of these 38 persons have been deported since this article appeared last December?

Mr. GREENE. The answer to your last question, first, none of the 38 that were mentioned in the Times article have been deported. We were given a list of some 70 alleged war criminals. Many of them were known to the Service and, in fact, a number on the list are deceased.

We set up in our New York office a control of these cases. They are developing leads in conjunction with the source that furnished the information and others who have knowledge of the events that took place, during the period these people were allegedly active.

Ms. HOLTZMAN. Let me ask you this: Have deportation proceedings been initiated against any of the 38 persons named in that article?

Mr. GREENE. No, they have not started any deportation proceedings.

Mr. EILBERG. I think it would be very pertinent if you could provide us with the names and circumstances, at least for the record.

Mr. GREENE. Yes.

[Investigative material was submitted and is retained in the committee's files.]

[A summary of the investigative material follows:]

The New York Office of the Service was designated as the Control Office for Nazi War Criminals in July 1973 and immediately commenced the necessary investigations. One criminal investigator and two assistant investigators were assigned. The combined total of individuals initially put under investigation was sixty. Subsequently eleven new individuals were added to the list and one original case was completed as no further action was warranted. The list now numbers seventy.

So far it has been verified that seventeen of those named have died. Investigation has developed that two of the individuals on the list are last known to reside outside of the United States. At present we are conducting full-scale and comprehensive investigations on thirty-three of the individuals on the list. Preliminary investigation is being conducted on eighteen individuals to attempt to ascertain and verify their present whereabouts.

To date our New York office has conducted more than eighty-two interviews with at least twenty-three sources. Some of these sources include Simon Weisenthal, Director, Documentation Center for Nazi War Criminals, Vienna, Austria; Ruth Kluger, recognized authority on Nazi War Criminals, Tel Aviv, Israel; Oscar Karbach, World Jewish Congress, New York City; B'nai B'rith; Society of Survivors of the Riga Ghetto; Charles Allen, author; and Charles Kremer, Federation of Rumanian Jews.

Further, our New York office has made one hundred and fifty-four requests for auxiliary investigations to various districts and overseas offices of this Service (eighty-four have been completed thus far). To date forty-three requests have been made to government agencies other than the Immigration and Naturalization Service. In addition to our New York Control Office thirty-six other Service offices are assisting in the investigation. These other offices thus far have interviewed forty-four witnesses.

Ms. HOLTZMAN. Do you intend in the near future to commence deportation proceedings in any case, or has any case been developed to the point at which deportation proceedings can commence in the next few months?

Mr. GREENE. Not to my knowledge.

Mr. CHAPMAN. We can inquire on that from our New York office.

Ms. HOLTZMAN. The important thing in the Times article came out in December of last year, and I think it is important to know what actions have been taken, if any, by the Immigration Service with respect to these alleged war criminals since then. Have any witnesses in any of these 38 cases been interviewed with respect to the charges?

Mr. GREENE. Ms. Holtzman, I cannot give you specifics on the cases because they have not passed over my desk. I know we have opened up active investigations, and I assume they have been interviewed. We are talking about witnesses in Israel and New York and witnesses identified elsewhere in the United States. I can assure you these cases are being moved ahead aggressively. You can appreciate the time element is

running against us. The time between the alleged activity and the time the investigation was started is lengthy.

Mr. EILBERG. Would the gentlewoman yield?

Ms. HOLTZMAN. Yes.

Mr. EILBERG. Was that the case of Ms. Ryan?

Mr. GREENE. Ms. Ryan agreed to her denaturalization and then we started on our deportation, and she was extradited. I am not referring to Ms. Ryan but another case identified as a war criminal on which we are trying to develop a case.

Ms. HOLTZMAN. According to the New York Times, I believe that the names of some of these witnesses were already supplied to you. My question is not whether you know who the witnesses are but whether any witnesses have been interviewed and whether you have taken statements from them because the names of some witnesses appeared in the Times article of 1973.

Mr. GORDON. The list includes names the Service has dealt with, and investigated over the years. Many of them or all of them, I think, are not new to us. In some cases, the persons have been investigated many times and naturalized many years ago.

In each instance, new evidence purportedly has been furnished to the Service and, of course, it is our responsibility to make any inquiries warranted by such new evidence. If the person is naturalized, the thing to do is determine whether there is enough evidence to warrant a revocation or denaturalization suit.

In regard to the article in the Times and the evidence furnished to the Service, part of the article was developed as a result of the information we furnished to the New York Times. Part of it was developed as a result of information furnished by outside sources. Those outside sources have presented to us the new materials and we have examined those materials to see whether this is information we have had in the past. We are in the process of developing that information.

Ms. HOLTZMAN. What does that mean "in the process of developing that information"?

Mr. GORDON. Whether the witnesses are still around and—

Ms. HOLTZMAN. Have you in any of these cases taken any steps to determine whether or not witnesses were available and taken any statements from any witnesses? Have you taken statements from any witnesses in these 38 cases?

Mr. GORDON. I can't tell you about the 38, but I can tell you about one in which I have been personally involved and in which we are in the process of arranging for statements.

Ms. HOLTZMAN. Can you tell me who?

Mr. GORDON. Bishop Trifa. The information affecting his case was given to us and we had to examine it and even translate it. A large part of the materials were in the Rumanian language. We have started interviews all over the world.

Ms. HOLTZMAN. When do you intend to start those?

Mr. GORDON. We have identified certain witnesses who can be interviewed, who are still around.

Ms. HOLTZMAN. The reason I am asking these questions as to the timetable, and perhaps I am pressing you hard on this, is because some of these alleged war criminals have been in this country for quite some

time and, according to the New York Times, allegations were made that some of these investigations in prior years had been discouraged. I don't know whether those allegations are true. The existence of such allegations should certainly raise the question that the Service would want to work actively with respect to these alleged war criminals, and if there is a basis for deportation to move quickly.

I am surprised that since December 1973, not a single witness has been interviewed by the Service.

Mr. GORDON. I want to clarify what you said about the alleged discouragement of the investigation. That is not a fact.

I will give you the specific example of Bishop Trifa. He came here in 1950. Shortly after that, there were allegations of people challenging his right to be in this country. He was investigated and interrogated on five occasions, and many witnesses were also interviewed. Our people haven't been asleep. Sworn statements were taken from him on two occasions by the Service. A lengthy interrogation was conducted by the FBI. He was interrogated under oath twice during the naturalization proceedings, so there were five interrogations in the past involving similar accusations.

Now people come up with new information, and it is our job to see whether that new information adds to what we had in the past.

Ms. HOLTZMAN. I would agree with that, but I am surprised no effort has been made to get that information.

Mr. GORDON. There is a reason for that. The person who submitted the information delayed in submitting the actual documents. He said he had statements but did not submit them. We wrote asking for these statements. The statements came to us and they had to be translated. We have identified the new witnesses and we are in the process of interrogating the witnesses.

Ms. HOLTZMAN. Now you say you are moving to interrogate the witnesses with respect to Bishop Trifa. What about the other 38 cases? Do you have any plans to interrogate the other people, within the next month, let's say.

Mr. GORDON. We have a staff of people working on it. It isn't a question of sitting still and lying down on the job. They will be handled as quickly as we can handle them.

Ms. HOLTZMAN. Can I have some assurance of the timetable with respect to these people?

Mr. GORDON. I am really unable to do so, except to assure you that we will ask the New York office to prepare a timetable which we will furnish for the record within the next few days.

Ms. HOLTZMAN. Was any attempt made by the Immigration Service to investigate claims put forth in this New York Times article by two former Immigration officers that an attempt had been made to prevent them from investigating and pursuing these alleged war criminals?

Mr. GREENE. I can answer one part of that. This list was given to an investigator who was formerly assigned to one of the strike forces and had worked on the Ryan case. I found out that the list existed and issued orders to our district director that this list was to be brought in and put under control for the premise points you are making. I wanted to make sure this list was worked out completely and thoroughly. This action got translated into something very different. It was said that Greene was trying to take it out of this officer's hands. He was treating

it as personal property. It had to be put under regular investigative control, so there would be no delays. This is what I think the New York Times had in mind.

Ms. HOLTZMAN. I understand there were two officers mentioned in the Times article, who indicated pressure was put on them not to pursue these alleged war criminals. Have you or the Service done any investigation with respect to their claims?

Mr. GREENE. The district director called the man in and said, I want the list. It was taken away from him.

Ms. HOLTZMAN. When was that list taken?

Mr. GREENE. Some time last fall, within a matter of weeks after I heard of it.

Ms. HOLTZMAN. Can you explain why since last fall we are sitting here today and we see no investigation of any witnesses?

Mr. GREENE. You asked, Ms. Holtzman, if we knew the exact progress of the cases and I stated I do not know. I have every reason to believe the cases are moving along. There are a substantial number of officers working on them.

Mr. EILBERG. Will the gentlewoman yield?

Ms. HOLTZMAN. I will be glad to yield.

Mr. EILBERG. I just want to follow up on the identity of the officer who tried to hold on to the list of the 38 names.

Mr. GREENE. His name was Devito, D-e-v-i-t-o.

Mr. EILBERG. Ms. Holtzman?

Ms. HOLTZMAN. The point has been made that a number of these alleged war criminals are naturalized. Some of them are not. It seems the prospect for noncitizens is infinitely easier. I would certainly appreciate some efforts with respect to these.

Can you also explain to me why 31 were naturalized, meaning that they had slipped through the Immigration Service's interrogation proceedings?

Mr. GORDON. One was Bishop Trifa. The court was advised of all of the information, including detailed testimony by him on five separate interrogations, and the court nevertheless naturalized him.

Ms. HOLTZMAN. What about the other 30?

Mr. GORDON. I can't tell you about the specifics in every case, but the fact is in some cases there was information disclosed to the court. In others, the information had not been developed.

Ms. HOLTZMAN. I wonder if the chairman would request that we have for the record the interrogation of these alleged war criminals, who were naturalized so we can see if it was done in the proper way?

Mr. EILBERG. Can we have the investigations as of today?

Mr. CHAPMAN. Yes, sir.

Ms. HOLTZMAN. Also, with respect to the evidence, the New York Times article indicated some contacts were made with the Soviet Union. Can you tell me what the status is of contacts with the Soviet Union over these alleged war criminals, whether that situation has improved or been hampered, or whether the Soviet Union has been approached in this respect?

Mr. GREENE. I am not in a position to answer your question in detail. We can certainly include that in the record. There have been some leads which will require checks in Russia. I have no indication there will be any difficulty. But that will be included in the case analysis that we will give you.

Ms. HOLTZMAN. Well, I don't have any further questions at this point with respect to the subject matter, but I would appreciate receiving some of the information I asked you for as soon as possible and would certainly appreciate getting some information with respect to possible actions to be taken, dealing with the deportation of war criminals.

Mr. CHAPMAN. I can assure you we will furnish it.

Mr. EILBERG. Commissioner, in your summary of the situation as a whole, you mentioned the number coming into this country might be 4 or 5 million. The last time we received any figure was from Commissioner Farrell back in 1972, who estimated about 1 million at that time, and later figures of 1 to 2 million and now 4 to 5 million. Where does this latest figure come from?

Mr. CHAPMAN. It is a personal estimate, based on the estimates I have heard from scores of our officers. I might say we have obtained a little money from LEAA, the Law Enforcement Assistance Administration, to make a study—on how to make a study to find out how many there are in this country. It will require some sampling techniques, and it is difficult to sample people who are hiding. So we may be able to get a somewhat scientific answer to that question.

Mr. EILBERG. I might just say—how did you arrive at the figure of 4 to 5 million?

Mr. CHAPMAN. It is just a midpoint between the two extremes. I have heard 1 or 2 million at one end of the scale and 8 to 10 million at the other. So, I am selecting a midpoint.

Mr. EILBERG. It is just a thumbnail sketch, a guess rather than—

Mr. CHAPMAN. Just a guess, that is all. Nobody knows.

Mr. EILBERG. During the course of our numerous hearings throughout the United States on illegal aliens, the committee was surprised and concerned about the lack of coordination and cooperation between the Government agencies in the enforcement of the provisions of the Immigration and Nationality Act. Needless to say, effective administration requires coordination with the Department of State, Department of Labor, HEW and the Social Security Administration, the Internal Revenue Service, as well as Federal law enforcement agencies and State law enforcement agencies.

Would you please advise the committee what steps you are taking in improving the coordination between agencies.

Mr. CHAPMAN. The relations and coordination between ourselves and several of these are excellent, particularly with the State Department, with the Visa Office, with the Office of Refugee and Migration Affairs and around the world with the consuls.

With respect to the Social Security Administration, our relations are good, particularly so since they have just implemented the provisions of the law that now requires a showing of legality prior to obtaining a social security number and account. They have just put out their instructions to implement that law, and we worked out with them the mechanics of exchanging information that will derive therefrom as the months and years go by. The relations are excellent.

With respect to the IRS, the income agents have run one test with regard to monies due from illegal aliens that we find and remove. That test was somewhat inconclusive. They are launching on another to start to run through these months, April, May, and June, reducing the

criteria somewhat and increasing the number of people that they are putting on to see whether or not it won't be worth while, with some of these hundreds of thousands of people we are moving each year, almost none of whom have paid taxes.

Mr. EILBERG. What steps are you taking?

Mr. CHAPMAN. I, personally, have not taken any since the time I have been here. The Service, however, is in constant contact with all of these agencies, and Mr. Greene can elaborate further.

I have called on the heads of these agencies and assured them of my cooperation and desire to work together.

Mr. EILBERG. Mr. Greene?

Mr. GREENE. I think the general pretty well covered it. The last change by Internal Revenue, resulted in reducing their sights on the amount of money aliens had to have in their possession to warrant the attention of their officers, particularly with regard to the Mexicans. They have been pretty successful in that regard.

With HEW, we have a program where we are exchanging information on welfare recipients. They ask our office the status before they are placed on the rolls. There again, we hope to see the enactment of H.R. 982, because it makes it mandatory to exchange information with us on certain types of recipients.

Mr. EILBERG. Mr. Greene, I wonder if you know whether the administration is still interested either in H.R. 982?

Mr. GREENE. I would say emphatically, yes.

Mr. CHAPMAN. The administration strongly supports, Mr. Chairman—as I know from talking to a number of key people.

Mr. EILBERG. At a previous oversight hearing, when officials in INS appeared before the committee, the issue was raised whether the large number of Yugoslav nationals approved by the Service for conditional entry were, in fact, bona fide refugees. Also, the issue was raised whether the large number of applicants for conditional entry in Hong Kong could be considered as permanently resettled. I understand that subsequent to that hearing, the Service reviewed its policy affecting conditional entries.

Would you please bring the committee up to date on this matter?

Mr. CHAPMAN. Over the past 2 years, I am informed, that Service attitude toward them has changed, and it is now our belief that many of the Yugoslav refugees are seeking to improve themselves economically rather than for political or other persecutions; we still consider each case on its merits, however.

It is interesting to note of the 900 and some cases processed in Rome, only 4 of 939 were ethnic Yugoslavians. All the rest were of Albanian minority groups, but born in Yugoslavia. Similarly, 74 percent of the cases processed in Vienna were made up of minorities. There has actually been only a handful of truly Yugoslavs.

With respect to this situation, we are keeping a close watch on it. Only those cases where there is clear political persecution are granted refugee status.

Mr. GREENE. As you stated, Mr. Chairman, we did instruct our people in Hong Kong to consider the resettlement aspect, particularly the new law in Hong Kong. During the first 6 months about 1,000 were approved and 1,000 denied or rejected. So I think that the impact of

the change in our policy has pretty well affected Hong Kong workloads. Numbers clearing in Hong Kong have been reduced.

Mr. EILBERG. Going back to Yugoslav, apparently a great number are being processed.

I have a letter here from Commissioner Chapman dated March 15, 1974, which says the district director at Frankfurt advises that about 30 percent of the conditional entry applications processed in Vienna during the last half of 1973 were ethnic Yugoslavian. Is that a high number?

Mr. CHAPMAN. The Vienna suboffice is under the district director at Frankfurt.

Mr. EILBERG. Why are so many processed in Vienna?

Mr. GREENE. A great many Yugoslavs are in Germany as guest workers and a lot of those are coming into the office and applying. I think through February 28 we had approved 1,746 Yugoslavs total.

Mr. EILBERG. What I am getting at—is there a difference in policy between the two offices?

Mr. GREENE. They are both operating under the same guidelines.

Mr. CLINE. The rate seems to be so much higher through the Frankfurt office than the Rome office.

Mr. GREENE. The approval rate?

Mr. EILBERG. Why don't you look into that?

Mr. CHAPMAN. Yes, indeed we will.

It would be possible for there to be a justified disparity. We will look into it.

Mr. EILBERG. Would you bring us up to date on the Chilean nationals in the United States?

Mr. CHAPMAN. Yes, sir. That situation is that after various security checks and the establishment by the State Department that certain individuals were not inadmissible under the Immigration law, except for certain documents which they had no way of getting, the principal applications from the Allende regime were approved with their families, a total of 25 persons. To date, however, only 5 of the principals with their families, or a total of 17 persons, have actually come to the United States. The other 4 principals have gone to other countries, the total number is 17 people.

With respect to the pre-Allende situation, at the beginning of this last month, March, there were 109 Chileans in the United States in the asylum status. Under our asylum procedures, they are allowed to remain at yearly intervals. Many of them will lose their asylum with the overthrow of Allende regime.

Mr. EILBERG. Mr. Commissioner, the thrust of our oversight hearings of July 26, 1973, was directed at the "accelerated area control operations," and as you know, a record was developed at that time. Today, however, I ask you what your position is regarding "accelerated area control operations" and what policy you propose to develop to more effectively meet the challenge of the increasing number of illegal aliens.

Mr. CHAPMAN. We have not conducted any accelerated area control operations since the one in June of last year.

Mr. EILBERG. What do you mean by "accelerated area control?"

Mr. CHAPMAN. A case in which we bring in officers from other areas and form a special operation in a particular area. Last year in Los

Angeles, I think we brought 50 investigators from elsewhere into Los Angeles and joined them with the permanent investigator force in Los Angeles for an accelerated effort that went for 20 working days, during which they found 11,000 illegal aliens. That is an accelerated effort. We have no plans for others in the immediate future, at least. We are now relying on the routine, standard area control operation, when necessary, and confined to the local office.

Mr. EILBERG. Would you define what is a "routine area control operation?"

Mr. CHAPMAN. It is the same type. There is no difference in type or manner or execution. The local permanently assigned officers conduct it as contrasted to bringing in strange officers from elsewhere to assist in conducting the operation.

Mr. EILBERG. Do you have any other suggestions or ideas or policies to more effectively meet the problem of illegal aliens?

Mr. CHAPMAN. The increase in our investigative force that Congress has granted in this year's supplemental, 120 investigators, will help considerably as soon as we get them recruited and trained and on the job, which we expect in the next several months. The tips, intelligence, and more efficient operations and more investigators are part of the program. I would repeat what I said previously, however, that the number of illegal aliens is just growing very rapidly, and much faster than our capability to handle. I really think, to repeat, that the basic answer to the question is to turn off that attraction that brings these people.

Mr. EILBERG. Before I turn over the podium, has the Service had discussions with the State Department for a type of agricultural worker program?

Mr. Commissioner, before you respond, I have just heard Mr. Kissinger is taking time off from his honeymoon to discuss immigration matters with officials in Mexico.

Mr. GORDON. Mr. Chairman, this problem of the proposed Bracero program has been under discussion. The Mexican Government has been very much interested in persuading our Government to reinstitute the program, thus far unsuccessfully, and I believe Mr. Kissinger has discussed this problem several times in the past with the Foreign Minister of Mexico. The President of the United States has also heard about this problem from the President of Mexico. Mexico doubtless is very deeply concerned in instituting this program. There are opposing forces, opposing views in this country which, at the moment, seem to be prevailing. Most people in the United States apparently are not favorably disposed to a new Bracero program. However, the discussions are continuing and I don't know what Mr. Kissinger is hearing from Mexico.

Mr. CHAPMAN. One point. The Mexican Government has estimated that they have 2 million of their Nationals illegally in the United States. Of course, that underscores their strong desire for reinstatement for something like the Bracero Program. There is a real problem that it was an agricultural program, and the need for agricultural workers has drastically decreased due to mechanization on the farms. Most of the illegal aliens are not working in agriculture. They are in services and industry.

Mr. EILBERG. Does the Immigration Service have any policy with regard to these discussions going on? Are you in favor of the program?

Mr. GREENE. No; I don't think Immigration Service has taken a position but we certainly do take a position that greater use could be made of section H-2, which I think very clearly provides the mechanics of the procedures which one could bring them into the United States to temporarily work.

Mr. EILBERG. What is the problem with that? The Labor Department?

Mr. GREENE. One, the person has to petition and I am informed very few requests have been made because few have been granted during the past 6 or 7 years.

Second, I believe Labor might look at them a little more favorably today. We have said we are very happy and willing to entertain a petition supported by a Labor Department certification.

Mr. EILBERG. Have you had occasion to discuss this with the Labor Department?

Mr. CHAPMAN. I have discussed this with the Secretary and urged him to be more lenient in granting the requests. Clearly he has his problems.

Mr. EILBERG. What did he say?

Mr. CHAPMAN. He said he would consider it carefully.

Mr. EILBERG. Mr. Hogan?

Mr. HOGAN. Yes. Thank you, Mr. Chairman.

I want to make one thing perfectly clear. When I was on my honeymoon in Jamaica, I did not discuss Immigration and Naturalization with officials there.

I have one question along the lines of Ms. Holtzman's question.

Is there any statute of limitations on war crimes?

Mr. GORDON. The Immigration and Naturalization Service has no direct responsibility in regard to war crimes. It is our responsibility to determine whether the person entered the United States legally. There is no statute of limitations on deportation or denaturalization. Therefore if a person got into the United States improperly he would thereafter be subject to deportation, without time limitation. Similarly, if he obtained naturalization fraudulently he would be subject to denaturalization, without time limitation. So that, in regard to Bishop Trifa, if sufficient evidence were produced to show he had obtained naturalization improperly in 1957, his naturalization might now be subject to revocation through denaturalization proceedings.

Mr. HOGAN. In applying, the onus was on him to indicate his background?

Mr. GORDON. And in his case, he was specifically asked about these problems which have now been presented and made some answers which are charged to have been false. That is what we are investigating.

Mr. HOGAN. As a former investigator, I can sympathize with you in trying to find things that happened 29, 30 years ago.

Mr. GORDON. There is a very diligent group of people outside the Government trying to find witnesses and if they can identify such witnesses, we will be glad to talk to them.

Mr. HOGAN. I want to apologize to the Chairman. I have been at a hearing on gambling, but I wanted to be here.

Thank you very much.

Mr. EILBERG. Ms. Holtzman?

Ms. HOLTZMAN. I just have one other question.

I understand the Immigration Department has a program called "future immediate relative status" which is an attempt to expedite visas for spouses of American citizens or immediate relatives of American citizens. My understanding from constituents, and in talking to other people is that, in fact, if a citizen is married abroad, it takes 2 to 6 months for his wife, who is an alien, to come to this country. My understanding is they will not begin to process applications until after the couple is married and then either they have to stay in that country abroad for 2 months at least, or possibly 6 months, or the spouses have to be separated.

Is there anything being done to try to expedite procedures for people who are married to American citizens to come to this country quickly, as opposed to waiting an inordinate amount of time?

Mr. CHAPMAN. To begin with, the issuance of visas is within the State Department. We do not control that.

Mr. GREENE. We have permitted the State Department to approve petitions when both parties are before the Consul. The only time we would see the petition of a serviceman is if he were in the United States and filed the petitions here.

Ms. HOLTZMAN. How long would that take?

Mr. GREENE. If it is brought to our attention, that it is a petition of a serviceman we will expedite the case. Often, that fact is not made known until there has been a delay.

Ms. HOLTZMAN. I thought I would bring this problem to your attention. It affects many couples seriously.

Mr. GREENE. More serious, some lose their special qualification by reaching their 21st birthday. If they can't get their cases expedited, they will lose their benefits.

Mr. EILBERG. Any other questions?

Mr. FLOWERS?

Mr. FLOWERS. I am sorry I was late. I had a markup in another committee.

I am glad to welcome Commissioner Chapman and all of you here today.

Mr. EILBERG. Ms. Holtzman?

Ms. HOLTZMAN. I ask consent to have the New York Times article that I referred to earlier inserted in the record.

Mr. EILBERG. Without objection, it will be inserted in the record.

[The New York Times article follows:]

[From the New York Times, Sunday, December 30, 1973]

U.S. OPENS NEW DRIVE ON FORMER NAZIS

(By Ralph Blumenthal)

Immigration investigators here have been put in charge of a new countrywide effort to resolve the long-dormant cases of suspected Nazi war criminals living in the United States, and are focusing on 88 persons, according to district director Sol Marks.

The effort, Mr. Marks said in an interview, involves what are believed to be the first tentative steps toward official contacts with the Soviet Union in a drive to collect evidence against some of the suspects.

Recently, he said, the United States asked the Soviet Union for depositions by five eyewitnesses who had charged previously that two brothers now living in Philadelphia participated in wartime atrocities in the Western Ukraine.

Statements made by the five Soviet citizens in legal action there years ago were forwarded three weeks ago to immigration authorities here by an unidentified intermediate source.

Almost all the cases concern postwar refugees from what was Nazi-occupied Soviet territory.

BISHOP UNDER INQUIRY

One of the 38 persons under investigation is Bishop Valerian D. Trifa of the Rumanian Orthodox Episcopate of America in Grass Lake, Mich., outside Detroit. The New York Times reported last Wednesday that immigration authorities in Washington were reviewing his naturalization in 1957 following new charges that he falsely denied a role in atrocities as an Iron Guard student leader in Fascist Rumania more than 30 years ago.

Bishop Trifa later issued a statement repeating earlier denials of charges that he had played a role in violence against Jews and others. He traced these charges to Communist attempts to discredit him, and said he was going to "fight back."

Mr. Mark's statements about the stepped-up investigations came Dec. 19, before the publication of the article about Bishop Trifa.

The disclosures came as Mr. Marks and two of his investigators disputed recent complaints by two former immigration employes who had prosecuted the Government's case against Mrs. Hermine Braunsteiner Ryan, a wartime Nazi concentration camp guard. The former employes said they had been hampered by superiors in their investigation.

On the contrary, Mr. Marks said, the New York office was designated last August as the "control office" for Nazi war-crime investigations. As such, he said, it has been put in charge of these investigations at all of the 30 other district offices around the country.

The stepped-up effort to resolve the cases of suspected Nazi criminals began with three lists naming 65 suspects that were compiled by Jewish organizations, according to Sam Zutty, the immigration investigator on the cases.

One of the lists, containing 59 names, was the same one given to the late United States Attorney Robert Morse last August during the Ryan case.

Investigators found that nine of the 65 suspects had died. In addition, Mr. Zutty said 17 could not be traced and one suspect left the country.

GUARD DUTY ADMITTED

Of the remaining 38 "active cases," 25 were said to involve naturalized citizens. Seven of the 38 persons were in the New York area, Mr. Zutty said.

Some of the people have already been identified in the press as targets of an inquiry. Last February, the Immigration Service said it had reopened an investigation into the case of Boleslavs Maikovskis, a Latvian alien sentenced to death in absentia by a war-crimes tribunal in the Soviet Union in 1965. Mr. Maikovskis, who has denied the charges in the past, is a carpenter living at 232 Grant Avenue in Mineola, L.I.

Another person known to be under investigation is Karl Linnas, a naturalized citizen living with his family at 21 Goldsmith Avenue in Greenlawn, L.I. He was sentenced to death in absentia by an Estonian tribunal in the Soviet Union in 1962 on charges of commanding a concentration camp in Tartu in 1942. He has acknowledged doing "guard duty" at the camp, but denies any role in killings. He had been sentenced in absentia to 15 years in prison in 1964 by a Lithuanian court in the Soviet Union. He denied the charges at the time. He died in 1968.

The wife of another man on the list, Antonas Ludvikus Impulevicius (later Anatas L. Impolenas), of 304 Cross Street, Philadelphia, said her husband had died three years ago. However, he was not among the nine listed as dead by the Immigration Service. Mr. Impulevicius who became a citizen in 1964, was sentenced to death in absentia by a court in Vilna in the Soviet Union in 1962 on charges of having commanded an extermination squad that killed 50,000 people in Lithuania.

One of the traditional difficulties in prosecuting such cases is that the United States does not recognize sentences imposed in absentia. Nor is there a treaty of extradition between the United States and the Soviet Union. Furthermore, because of long-standing hostility between the two countries, the United States does not deport aliens to the Soviet Union, Mr. Marks said.

But now, Mr. Marks said, new channels appear to be opening up, and the United States has asked the Soviets for sworn depositions.

Neither Mr. Marks, Mr. Zutty nor the district's chief of investigation, Henry Wagner, could recall previous instances of such cooperation. The Soviet Embassy in Washington had no immediate comment on the development.

COURTS BLAMED

Nevertheless, the officials continued to stress the difficulty of legal action against people under investigation. The courts, they said, have made denaturalization difficult. Even if citizenship is revoked, Mr. Marks said, aliens with parents, a spouse or children who are citizens are not subject to deportation.

Yet the difficulties in denaturalization, deportation or extradition do not rule out a rigorous investigation, the officials said.

Asked why only a handful of suspected Nazi criminals had ever been prosecuted here, Mr. Marks said that for years documentary information was lacking. Now, he said, Simon Wiesenthal's Jewish Documentation Center in Vienna and similar Government centers in West Germany had built up data banks that make tracing suspects easier.

All three officials denied any suggestion that the prosecution of suspected war criminals here had been slowed by political pressures from Washington. Such complaints were made recently by Vicent A. Schiano, the former chief trial attorney for the Immigration Service here, and by Anthony J. DeVito, a former investigator. Mr. Schiano resigned abruptly earlier this month after 20 years of service amid an investigation of apparently minor "irregularities." Mr. DeVito quit last summer after being hampered, he said, in an investigation of Mr. Maikovskis, the Latvian alien in Mineola. Mr. Marks said Mr. DeVito had insisted on conducting his investigation with no supervision. Also on the list was Bishop Trifa who is still wanted in Romania to serve a life sentence imposed in absentia for alleged leadership of a bloody Iron Guard uprising in 1941.

In a statement drawn up last Wednesday in response to press inquiries following the Time's article, Bishop Trifa repeated his previous denials that he had participated in any atrocities and called the allegations "part of a long campaign initiated and sustained by the Communist regime of Romania."

SEES "TRIAL BY MEDIA"

He said Jewish organizations and newspapers were misinformed and were subjecting him to a "trial by media."

"I am going to fight back," he said. "I am going to fight back with all the means at my disposal."

He said he had not been informed by the Immigration Service that his case was under review.

Meanwhile, Constantine Antonovici, a Manhattan sculptor who gave an eyewitness account of Bishop Trifa as a student leader haranguing a crowd in Bucharest just before the 1941 uprising, said he had not himself been a member of the Iron Guard, as was reported.

Also under investigation are two brothers, Serhij and Mykola Kowalczuk of Philadelphia, who were accused by the Soviets eight years ago of participating as Nazi policemen in the liquidation of the Jewish ghetto in their home town of Lyuboml, in the Western Ukraine. The brothers at the time "absolutely" denied the charges.

The Kowalczuk brothers are the two persons named in the statements by the five Soviet citizens that the Immigration Service is seeking to augment their sworn testimony.

The nine deceased persons who were on the list included a Roman Catholic priest, Lionginas Jankauskas (later Jankus) of 105 Grant Street, Brooklyn.

Mr. EILBERG. Mr. Commissioner, we certainly enjoyed your visit this morning.

We look forward to a long association with you. We want to have as close a relationship as we can and support you as much as we can.

In keeping with that statement, I wonder if you would be kind enough to consider advising the subcommittee of changes you might implement, as well as the problem areas you are particularly concerned with, and possibly recommending any amendments to the law we might consider.

Mr. CHAPMAN. Thank you. We will be happy to.

Mr. EILBERG. Thank you very much, gentlemen.

[Whereupon, at 11:30 a.m., the hearing adjourned.]

IMMIGRATION AND NATURALIZATION SERVICE OVERSIGHT

TUESDAY, JUNE 25, 1974

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON IMMIGRATION,
CITIZENSHIP AND INTERNATIONAL LAW
OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to notice, at 9:10 a.m., in room 2226, Rayburn House Office Building, Representative Joshua Eilberg [chairman of the subcommittee] presiding.

Present: Representatives Eilberg, Flowers, Holtzman, and Fish.

Also present: Garner J. Cline, counsel; Arthur P. Endres, Jr., assistant counsel; and Alexander B. Cook, associate counsel.

Mr. EILBERG. This hearing will come to order.

We are pleased to welcome once again to the subcommittee the Commissioner of the Immigration and Naturalization Service, Leonard F. Chapman, Jr. These hearings will be a continuation of our oversight hearings which were held earlier this year, on April 3, 1974.

This subcommittee is somewhat concerned that H.R. 15404, the Departments of State, Justice, and Commerce Appropriations Act, which was approved by the House last Tuesday, deleted approximately \$5 million from the President's budget request for INS. For the past two Congresses this subcommittee has extensively investigated the illegal alien problem which has engulfed this country and one of the contributing factors to it is the manifest lack of resources available to the Service.

In order to meet this critical situation, this committee recommended and the House overwhelmingly approved on two occasions legislation to impose civil and criminal penalties on employers who knowingly hire illegal aliens. In addition, we have recommended that the Service be provided with sufficient manpower and funds which will enable it to adequately cope with this problem. To date these funds have not been provided. In addition, we have received complaints from aliens and members of the public concerning the Service's administrative backlogs which have resulted in inordinately long waiting periods for the receipt of immigration benefits or remedies to which they are entitled.

The purpose of this hearing today is to review the reasons for this reduction by the Appropriations Committee as well as its anticipated impact on the Service. It is my understanding that INS's presentation before the Appropriations Committee failed to adequately convince the members of that panel as to the manpower needs of the Service which have been so evident to this committee over the last several years.

We have been informed by the members of the Appropriations Committee that they were reluctant to provide the additional positions requested in view of the fact that numerous vacancies existed in positions which had been previously authorized. We understand that substantial progress has now been made in filling these vacancies. We are somewhat concerned, however, that the Appropriations Committee was not clearly and sufficiently informed as to the circumstances relative to these unfilled vacancies.

We now welcome your testimony and hopefully you will be able to remove some of the uncertainties surrounding the existing manpower situation of the Service.

It is a pleasure to welcome you here this morning, Mr. Chapman.

STATEMENT OF HON. LEONARD F. CHAPMAN, JR., COMMISSIONER, IMMIGRATION AND NATURALIZATION SERVICE, ACCOMPANIED BY JAMES F. GREENE, DEPUTY COMMISSIONER, AND CARL J. WACK, ASSOCIATE COMMISSIONER, MANAGEMENT, INS

Mr. CHAPMAN. Thank you, Mr. Chairman. I am pleased to appear before the subcommittee today in continuance of its oversight hearings with particular reference to our fiscal year 1975 budget request. I am accompanied by Mr. James Greene, Deputy Commissioner, and Mr. Carl Wack, Associate Commissioner, Management. Briefly, we were quite concerned last week when we learned that 300 of the 350 new positions requested for us in the 1975 budget were cut from our 1975 appropriation request by the House. Of particular interest to the subcommittee is the fact that all of this cut is directly related to the illegal alien problem and will have an adverse effect on our efforts to bring some semblance of control over this difficult problem. In deference to the House Appropriation Committee, I must admit that some of our original testimony before that committee could have been characterized as less than clear on the number of unfilled vacancies which we had at the time of the hearing. However, we did furnish for the record material which we felt cleared this matter up and did show that our vacancy picture was a good one; in fact today we believe we have made some remarkable improvements and have an excellent situation and prospect.

As to funding, our Fiscal Year 1974 budget request was for an increase of some \$37 million above Fiscal Year 1974, but only \$10 million of this was for increases in our enforcement and other programs. The House approved only half of this and only 50 of the 350 new positions, as I said. I will be pleased to answer any questions you may have on this matter.

Mr. EILBERG. Thank you, Commissioner.

Commissioner, how many unfilled vacancies did you have at the time of your appearance before the Appropriations Committee on January 19?

Mr. CHAPMAN. At that time, we had 247 unfilled vacancies on January 19.

Mr. EILBERG. And what was the reason for the existence of those vacancies?

Mr. CHAPMAN. That is 247 vacancies out of a total authorized force at that time of 7,682.

It is impossible to keep all authorized positions filled all the time. Employees are constantly retiring, transferring, a few die and despite our best efforts and everyone's best efforts, it is simply impossible to keep all filled all the time. This is recognized in the budgeting process. So the budget provides for less money than is necessary to fill all billets all the time. This is about 4 percent. The figure is about 4 percent Government-wide and that is standard practice throughout the Government.

Mr. EILBERG. You would say the 4 percent is a normal figure?

Mr. CHAPMAN. Yes, 3 to 4 percent is the average number of vacancies Government-wide at any one time.

Mr. EILBERG. What was the reason for the supplemental request for the 300 positions which were approved on January 3, 1974?

Mr. CHAPMAN. They were all for law enforcement, Mr. Chairman. There were 300 additional positions authorized for us in that supplemental. Sixty-six were border patrolmen, 127 investigators, 13 deportation officers, 21 detention guards, and 73 clerks, mostly for detention, deportation, and investigation. So the entire increase was for law enforcement and the crime arising from the illegal alien situation.

Those billets, those 300 extra billets, were authorized for us in the early January supplemental. However, the funding was not provided until the fourth quarter; that is, beginning the first of April. It has been suggested that, in January, we had 547 vacant billets, which would be the sum of the 247 actuals plus the 300 new billets.

But I must point out that the funding for the 300 was not provided until April 1, so we could not begin to fill them until that time.

It should also be noted that the President signed the bill authorizing the supplemental 300 positions for us on January 3, 1974. Our hearing before the House Appropriations Subcommittee was on January 19, 1974. Even if we had had the money, which we didn't, it would have been impossible to hire 300 people in 16 days.

Mr. EILBERG. So that at the time you testified before the Appropriations Committee on January 19, you were obviously unable to fill any of these additional 300 slots?

Mr. CHAPMAN. That is correct, sir. The money was not provided until the first of April, the last quarter.

Mr. EILBERG. Would you describe once again how these additional positions were to be distributed throughout the Service and please indicate which were related to control of the illegal alien situation?

Mr. CHAPMAN. Very well, sir. All are directly related to the illegal alien and the crime situation that results therefrom. Sixty-six border patrolmen, all to the southern border, the Mexican border area; 127 investigators, mostly to the 3 large cities—Los Angeles, Chicago, and New York City; 13 deportation officers and 21 detention guards, also distributed to the 3 large cities—Los Angeles, Chicago, and New York City; 13 deportation officers and 21 detention guards, also distributed to the 3 large cities—Los Angeles, Chicago, and New York City; and 73 clerks, distributed to the detention and deportation effort and to the investigators. So the entire package of 300 was for law enforcement and crime.

Mr. EILBERG. Commissioner, as a result of a recent border study, OMB has recommended

a pilot test of a single agency management of border ports wherein Customs would manage primary inspections operations, port security and port administration.

Can you elaborate a little further on this and does this mean there will be an attempt to eliminate the presence of INS officers at ports of entry along the Mexican border?

Mr. CHAPMAN. Well, OMB has directed a test of the concept of a single manager at each port of entry along the Mexican border. The details and the guidelines for the test are to be worked out between Customs and INS prior to launching the test. At that time, we will have the opportunity to insert what we believe will be the necessary criteria for conducting an adequate test. The test will determine whether or not a single manager at a port of entry is a good idea. It will not necessarily, and I do not think it should—I am confident it will not—indicate any elimination of the immigration special function. It is essential, it seems to me, that people entering this country through the ports of entry be inspected by expert, knowledgeable immigration inspectors. Only they, with their extensive training and knowledge, are capable of examining people and determining whether they are legally authorized to enter or not, whereas the examination of things—baggage and the like—requires a considerable lower order of expertise to discharge properly.

Mr. EILBERG. So that you are not able to say at this time whether any number, any particular number of INS officers, will be eliminated or found to be unnecessary?

Mr. CHAPMAN. No, sir. On the contrary, it is my belief that the tests will show that we need more inspectors at the southern entry ports. Our own studies certainly indicate that. We think the tests will prove it conclusively.

Mr. EILBERG. What was the INS fiscal year 1975 budget request to the Department of Justice?

Mr. CHAPMAN. We originally requested from the Department of Justice \$210 million and 2,610 additional positions for our fiscal year 1975 budget.

Mr. EILBERG. And what was the Department's request to OMB?

Mr. CHAPMAN. The Department reduced that to \$198.5 million and 1,604 additional positions.

Mr. EILBERG. And what was OMB's request to the Congress contained in the President's budget?

Mr. CHAPMAN. OMB then approved and transmitted to the Congress the budget which has been before the Congress for \$180,400,000 and 350 additional positions.

Mr. EILBERG. In other words, is it not true that the \$180 million was less than what the Service felt it realistically needed to operate effectively in administering the Immigration and Nationality Act and controlling the illegal alien problem?

Mr. CHAPMAN. Yes, sir; it is true.

Mr. EILBERG. Commissioner, what is today's estimate as to the number of illegal aliens in the United States?

Mr. CHAPMAN. There is no definite answer to the question, Mr. Chairman. We, as you know, apprehended last year and removed about 670,000—that is last fiscal year. This fiscal year, we expect to total well over 700,000 and our projection for fiscal year 1975 runs up to 900,000, possibly more. That is the number we apprehend. We esti-

mate that we are apprehending no more than one out of four or five.

We have requested funds to conduct a sampling, census type, study to try to find out how many are there and what their impacts are on the country in terms of taxes, holding jobs that Americans should have, welfare payments, and the like. We requested some money for that purpose. If we can get the money and can conduct the study, we will be able to answer the question more definitively. But as of now, our best guesses are that there is something like 4 or 5 million at least in the country, throughout the country.

Mr. EILBERG. Commissioner, a newspaper article which appeared in the Washington Post on Saturday reported that a diplomatic note was forwarded to the U.S. Ambassador in Mexico from the Mexican Foreign Ministry. This note complained about INS' operation of detention centers along the border and called for greater access by Mexican consular officers to detained Mexican workers. Do you have any comments on these allegations and what steps are being taken in this regard?

Mr. CHAPMAN. Yes, sir, I have two comments. I personally visited all detention center camps along the border. They are good, modern facilities, they are excellently run, they are sanitary, they are open, and I think the management and the food, the medical, the recreation are all excellent.

As to the consuls, we have provided space for the consuls at each of our detention camps at our expense, full-time, permanent office space. The Mexican consuls have used it. In fact, at all of them. In the case of at least one of them, the consul is there almost all the time.

Mr. EILBERG. What about the question of greater access for the Mexican consular officers?

Mr. CHAPMAN. That is the consuls I am talking about, sir. It is the Mexican consuls that are full-time or part-time at our camps in the offices we have provided. And I have talked to them myself in visiting those camps, the consuls.

Mr. EILBERG. So you feel this complaint is not justified?

Mr. CHAPMAN. As far as the consuls and their attitude to camps is concerned, it is not justified.

Mr. EILBERG. I would like to put this clipping in the record from the Washington Post, Saturday, June 22, 1974.

[The above referred to article follows:]

[The Washington Post, June 22, 1974]

MEXICAN NOTE ATTACKS U.S. 'WETBACK' POLICY

(By Marlise Simons)

MEXICO CITY, June 20.—In a strongly worded note, Mexico has protested a lack of American interest in settling the so-called "wetback" problem, involving thousands of Mexican migrant workers who cross illegally into the United States.

The note, sent by the Foreign Ministry to U.S. ambassador Joseph Jova late yesterday, also contained a forceful complaint about U.S. operation of detention centers" along the border where illegal aliens are held before deportation.

"The existence of the centers in no way contributes to resolving the problem, but rather aggravates it," the Foreign Ministry said. It demanded a more "just and humane treatment of Mexican workers in the United States.

Although Mexico has proposed a three-point plan, the U.S. representatives "limited themselves to taking note of it," the message went on.

Mexico's plan calls for an annual quota, permitting Mexican migrant laborers to work legally in the United States, "equal treatment and working conditions

for Mexican and U.S. nationals" and greater access for Mexican consular officers to detained Mexican workers. Only on the third point has some progress been made, the note said.

Foreign Minister Emilio O. Rabasa has frequently discussed the wetback problem with U.S. Secretary of State Henry Kissinger, who informed him of the serious obstacles in the way of a new agreement.

AFL-CIO and Chicano lobbies say wetbacks who work for sub-standard wages take away jobs from U.S. citizens.

In recent years, an estimated 2 million Mexicans have crossed the border illegally at harvest. U.S. border patrolmen last year caught and deported close to half a million of them.

The blunt wording and the timing of the note has caused some surprise here. Some observers believe it may have been prompted by President Luis Echeverría's visit to the border last weekend or by the agreement signed four days ago between Mexico and Canada, permitting some 2,500 Mexican laborers to do seasonal work there.

Others see it as a result of an intensive campaign by the liberal press here against the Mexican foreign minister.

Two weeks ago, Rabasa returned from Chile with the 72 Chileans still taking refuge in Mexico's embassy in Santiago, whose release he had obtained in exchange for the resumption of full diplomatic and commercial relations. These relations had come to a virtual standstill since Chile's coup last September.

These negotiations, and the Mexican foreign minister's friendly comments about Chile's military junta during his Santiago visit, earned him sharp attacks from Mexican liberal and leftist circles. Sources close to the foreign minister said today that launching an attack against the United States might be one way the minister could recover some prestige.

Until now, Mexico has done little more than launch some short-lived campaigns against the vast organizations which specialize in smuggling Mexicans across the border for handsome fees.

Mexican economists say the problem is triggered by Mexico's use of modern machinery rather than developing labor-intensive industries.

Mr. EILBERG. Commissioner, how many additional positions were included in the \$180 million budget request?

Mr. CHAPMAN. 350 additional positions, sir.

Mr. EILBERG. How were these positions distributed throughout the Service and what number of the new positions related to controlling the illegal alien problem?

Mr. CHAPMAN. There were 350 additional positions requested and all of them are related directly to control of the illegal alien problem. The bulk of them were to be assigned to the Mexican border, although a number of them were to go to the large metropolitan areas. The 350 break down into 200 border patrolmen, all but 33 to the Mexican border—there were 167 of the 200 to the Mexican border; 37 deportation officers and 35 detention guards, all, obviously, for illegal alien control; and 78 records clerks, 45 to our various field officers, and 33 to our central office. All were to work on documentation, recordkeeping for nonimmigrants, for investigators, and the like. So the entire 350 was for control of illegal aliens and for crime arising therefrom.

Mr. EILBERG. I would like to cite at this point that I have a number of other questions that I think we should get on the record, Mr. Fish and Ms. Holtzman, but I will be glad to yield at this time if you want to ask some questions.

Mr. Fish, go ahead.

Mr. FISH. Thank you very much, Mr. Chairman.

Welcome, Commissioner.

I think, Mr. Chairman, you should be commended for the speed with which this oversight hearing was called, particularly in the light of

the very heavy schedule for all of us, because this is a matter of considerable importance.

As I understand it, Commissioner, you started off with a request for 2,610 additional positions and you have ended up with 50.

Mr. CHAPMAN. That is correct, sir.

Mr. FISH. And it is your position that we certainly are not going to improve on our ratio of apprehending one out of four or five illegal aliens with this type of manpower, this level of manpower, is that correct?

Mr. CHAPMAN. Well, that is certainly correct. I would predict, in fact, that we may do worse because the number coming is increasing all the time.

Mr. FISH. The number of illegal aliens entering the country is increasing?

Mr. CHAPMAN. Yes. So proportionately or on a ratio basis, we may well do worse than we have in the past.

Mr. FISH. I presume if the situation remains unchanged and there is only an increase of 50 positions this year, those 50 would be allocated to the illegal alien problem as well?

Mr. CHAPMAN. Yes, sir. We plan to make all 50 of those border patrolmen and place them on the Mexican border.

Mr. FISH. One problem, I think, Commissioner, that we should explore here to enable us to be more helpful to you is the thinking of the Appropriations Committee itself of the House of Representatives. I understand that in the fall of 1973, the Service was granted a supplemental budget request that provided for 300 additional personnel. Is that correct?

Mr. CHAPMAN. It was approved in early January. As I pointed out earlier, it provided 300 additional positions, but it did not provide the funding for them until the last quarter, the 1st of April.

Mr. FISH. It merely authorized—

Mr. CHAPMAN. It authorized.

Mr. FISH [continuing]. You to increase your personnel by 300?

Mr. CHAPMAN. Yes, but did not provide funding until April 1, so we could not begin to fill the billets until that time.

Mr. FISH. Did you in fact start in April to fill those billets?

Mr. CHAPMAN. Yes, sir, we made all our plans, we started the processes, and we began hiring on the 1st of April against the 300 additional positions, with the result that as of last June 18, a week ago, we had filled almost all of the 300. At that point, we had 289 vacancies against a total force of 7,982, which is 300 more than we were authorized in January. By the 30th of June, next week, we expect to have 263 vacancies in our permanent positions.

I should like to go on to say that we have made in-depth studies of the lengthy process of hiring to fill a vacancy. I was amazed when I first came in how long that takes on the average, 4½ to 5 months. We have studied every step of that process to shorten, telescope, overlap, and reduce, and we have that process down now to 2½ months, which is almost cutting it in half.

Second, we have appealed to the members of the Service to notify us in advance when they have planned to retire or transfer so that we could start this shortened process before the vacancy occurs. I think we are having considerable success with both of those efforts.

So that for fiscal 1975, we have only programed a lapse rate of 1.7 percent in contrast to the Government-wide average lapse rate of about 4 percent. Therefore, we expect by mid-fiscal year 1975 to have our vacancies down to something on the order of 143 only out of a total authorized force of 8,000 or more. If we can achieve that, and I am confident we can, it will be a remarkable piece of management.

Mr. FISH. Mr. Chairman, I think this is a worthwhile area to explore, because as I understand it, the Appropriations Committee of the House probably was not aware of these facts. I understand their judgment to cut the request down to 50 was based on the thinking that the 300 positions authorized by the supplemental had not been filled, which apparently is not the case. I think that is an important fact to be brought out by this committee.

Thank you very much.

Mr. EILBERG. Thank you, Mr. Fish.

Ms. Holtzman?

Ms. HOLTZMAN. Thank you, Mr. Chairman. I join in welcoming Mr. Chapman to this hearing.

I share the concern of my colleagues about the failure of the Appropriations Committee to understand the great need of the Immigration Service for additional personnel to deal with the very difficult problems of apprehending illegal aliens and processing immigration benefits and remedies and the like as expeditiously as we would all like to see it done. So, I am very pleased that these facts have come out this morning and I would certainly hope that this hearing will be instrumental in enabling the Appropriations Committee to comprehend your plight.

I wanted to ask you specifically and again going to the question of illegal aliens or people who may be potentially illegal aliens, can you tell me if, in the present budget, there are any experienced full-time personnel working on the investigation of alleged Nazi war criminals?

Mr. CHAPMAN. Yes, there are, in our New York District office.

Ms. HOLTZMAN. On a full-time basis?

Mr. CHAPMAN. Full-time, yes. Then there are numerous working part time throughout the rest of the country in other districts and overseas.

Ms. HOLTZMAN. Would you anticipate that any of these additional people that you are requesting in this supplemental budget will be assigned to deal with the problem of investigating and disposing of the allegations against reported Nazi war criminals in the country?

Mr. CHAPMAN. Some of the 127 additional investigators that were authorized for us in the fiscal year 1974 supplemental will certainly contribute to that effort. They are the ones that we just began hiring the first of April and expect to have them all on board by the end of this month, by the end of the fiscal year. Many, of course, will be trainees. Some will be experienced.

There are, however, in the 350 additional requested for 1975, there are no investigators included. They are all either border patrolmen, deportation or detention people, or records people.

Ms. HOLTZMAN. I would like to explore this area further but I will defer if you have some additional questions, Mr. Chairman.

Mr. EILBERG. May I get these additional questions on the record, then I will be happy to yield.

Ms. HOLTZMAN. I would be happy to yield back.

Mr. EILBERG. Commissioner, returning to the budget problems, although the House has reduced the President's budget request for INS by \$5 million, INS will still receive an increase of over \$21 million over its budget for fiscal year 1974. I understand. Would you briefly explain how this \$21 million will be expended, with particular reference to the amount which will be spent on the illegal alien problem?

Mr. CHAPMAN. Yes, sir.

Of the \$21 million, about \$15 million is for uncontrollables, such as an additional \$10 million to GSA for space, for rent, additional costs for communications, for telephones, for postage, the cost of the within-grade salary increases. All of those are called uncontrollables and they must be paid. They do not, however, provide any increase in our effort. They simply sustain our present effort. Of the \$21 million, \$15 million is for that purpose. That leaves some \$6.2 million for increases in our program, and that provides, then, for the 50 border patrolmen that are the 50 increase that were approved, and some additional sedans for the border patrol, some trucks, jeeps, some additional aircraft, communications, two more sensor fields, the construction of one border patrol headquarters facility, and some additional deportation funds.

If you would like, Mr. Chairman, we can break it in detail and submit it for the record.

Mr. EILBERG. Would you do that? We would appreciate having that for the record.

[The above referred to information follows:]

1975 budget to Congress analysis of program increases allowed by the House

Program increases fiscal year 1975 allowed by the House:

Personnel and related cost (50 border patrol agents).....	\$439,200
Equipment:	
Buses, 22 (15 additional and 7 replacements).....	1,044,600
Sedans, 328 (25 additional and 303 replacements).....	101,400
Trucks, 270 (100 additional and 170 replacements).....	577,000
Aircraft, 8 (6 additional and 2 replacements).....	287,000
Intrusion systems, 2.....	(¹)
Mobile radios, 320.....	27,000
Portable radios, 522.....	261,600
Other radio equipment.....	329,000
Master index equipment.....	138,900
Increased detention and deportation costs.....	955,500
Construction.....	1,025,000
Repairs and alterations.....	295,000
Reduction of lapse (57 man-years).....	730,000
	6,211,500
Total program increases.....	6,211,500

¹ No additional cost—same number and cost as fiscal year 1974.

Mr. EILBERG. Commissioner, do you have a recruitment program going on?

Mr. CHAPMAN. Yes, sir, we are constantly advertising for all kinds of recruits—border patrol recruits, investigator and inspection trainees, naturalization examiners, all of our categories.

Mr. FLOWERS. Would the gentleman yield?

Mr. EILBERG. Yes.

Mr. FLOWERS. Would you say the Service needs a few good men?

Mr. CHAPMAN. I will agree with that statement, sir—and women.

Mr. EILBERG. Have you a list of available applicants? You maintain a list of available applicants?

Mr. CHAPMAN. Yes, sir, we do, particularly for the border patrol, where the names are compiled in a Federal Register. Such a register was compiled and has been in use for about 3 years now and we are near the end of it. We expect to select from the last of the names on that list a class, a border patrol class, that we intend to matriculate in October.

Meanwhile, Civil Service is compiling for us a new list and they expect to have it to us by about that same time, October, and from it, we will select trainees for the class we expect to convene in January. So we are constantly recruiting border patrol trainees.

Mr. EILBERG. So that if you are successful in getting additional funds, we will be able to immediately put them to use by appointing new people?

Mr. CHAPMAN. Absolutely, sir, both for the border patrolmen and for the other categories where we will use the technique described a moment ago of a shortened procedure whereby we shortened the procedure from some 4½ or 5 months down to 2 to 2½ months.

Mr. EILBERG. Now, what steps have you taken to reduce the administrative backlog—that is, the processing of petitions and so forth—which has developed, and will this \$5 million reduction seriously impede efforts to eliminate this backlog?

Mr. CHAPMAN. Yes, sir, it will. We are looking at all of our procedures in an effort to streamline them and shorten them, improve them, but there are no funds, no billets included that will contribute directly in any way to the reducing of our administrative or service backlogs. That refers, of course, to naturalization, inspections, adjudications, and the like. I can only predict that the backlogs are going to continue to grow.

Mr. EILBERG. Do you have plans or ideas that you could put to work if you had additional personnel?

Mr. CHAPMAN. Yes, sir; we do. We need them badly, particularly inspectors, adjudicators, and naturalizers.

Mr. EILBERG. General, you have been Commissioner now nearly 7 months. Have you at this time arrived at what you think would be a desirable size for the Service to cope with the many problems confronting INS?

Mr. CHAPMAN. Yes, sir. One of the first things I did was to begin a detailed study on what does the Service really need to carry out our law enforcement functions and our Service functions with which we are charged by law. We worked on that study for some 5 months and recently concluded it and have submitted it as the basis for a budget amendment request for fiscal 1975.

Mr. EILBERG. Do you have a concept as to what would be a desirable size for the Service?

Mr. CHAPMAN. Our study shows that we need about 10,200 people total to adequately enforce the law and provide the necessary services.

Mr. EILBERG. You have 6,000 and how many?

Mr. CHAPMAN. We have, with the 50 included in the House action on the bill, on the appropriation bill, we will have 8,032.

Mr. EILBERG. Now, to what extent have you made your estimate of

what you need to make the Service work properly known? What steps have you taken to make your requirements known?

Mr. CHAPMAN. We have submitted our study and our budget amendment request to the Justice Department for that purpose, for fiscal 1975.

Mr. EILBERG. It is my understanding that a supplemental budget request has been submitted. Can you advise the subcommittee as to the nature and status of this request?

Mr. CHAPMAN. Yes, sir; the Justice Department did consider our request and analyze our study and they have forwarded to OMB a budget amendment request for 1975 which is of considerable size.

Mr. EILBERG. In view of the action last week in the House Appropriations Committee and the action on the floor of the House, do you anticipate this will create a reluctance on the part of OMB to submit a supplemental request to Congress?

Mr. CHAPMAN. I hope not. I would not think so, sir. The need for the additional people and the money is realistic and it is based on hard, factual analysis. I think, on the merits of the case, there certainly should be no reluctance.

Mr. EILBERG. Do you feel that the Department of Justice places sufficient priority on the needs and operations of INS?

Mr. CHAPMAN. Yes, sir; as of now, I think they do. I think our new Attorney General and our new Deputy Attorney General are keenly aware of our problems and are very vigorous in their support of our effort to carry out our duties and improve our capabilities.

Mr. EILBERG. How have you been able to achieve that, Commissioner?

Mr. CHAPMAN. By informing them of our problems in some detail over considerable periods of time.

Mr. EILBERG. I have just a couple of questions more, then I will yield to my colleague.

What is the average number of illegal aliens detained per day in the United States. We have a figure of 2,500.

Mr. EILBERG. What is the average cost of detaining an alien for a day?

Mr. CHAPMAN. One alien, 1 day?

Mr. EILBERG. Yes.

Mr. CHAPMAN. May we furnish a precise answer for the record, Mr. Chairman?

Mr. EILBERG. Yes.

Mr. CHAPMAN. It is in the order of \$3 or \$4, I understand.

Mr. GREENE. Non-Service detention cost drives it up.

Mr. EILBERG. What do you mean by non-Service detention?

Mr. GREENE. That's where we put detained aliens in county jails. Some of those rates run as much as \$8 to \$10 a day. They charge us 2 days if we put them in at 10 o'clock at night and take them out at 6 o'clock the next morning.

Mr. EILBERG. Do these costs come into your budget?

Mr. GREENE. Yes, sir.

Mr. EILBERG. Will you give us a breakdown for the record?

Mr. CHAPMAN. Yes, indeed.

[The above referred to material follows:]

EXHIBIT E

CONSOLIDATED CONTRACTUAL DETENTION REPORT, FISCAL YEAR 1973

(A) Region	(B) Service unit cost per day	(C) Man-days detention, fiscal year 1973 at		(D) Total cost		(E) Number of aliens in detention on June 30, 1973 at		
		(1) Service expense	(2) Transportation company or other agency expense	(1) To service	(2) To other	(1) Service ex- pense	(2) Transportation company or other agency expense	(3) Total
Northeast.....	\$10.20	9,332.0		\$95,179.25		16		16
Southeast.....	4.99	42,360.0	1,152	211,318.73	\$8,365.75	83	2	85
Northwest.....	4.43	42,859.5	282	189,817.21	2,057.65	44		44
Southwest.....	3.94	259,518.0	312	1,021,782.23	1,773.60	343		343
Total.....	4.29	354,069.5	1,746	1,518,097.42	12,197.00	486	2	488

IMMIGRATION AND NATURALIZATION SERVICE

Average service daily cost for contractual detention

Fiscal year:	<i>Cost per day</i>
1963.....	\$2.48
1964.....	2.46
1965.....	2.68
1966.....	2.56
1967.....	2.63
1968.....	2.91
1969.....	3.08
1970.....	3.26
1971.....	3.56
1972.....	3.87
1973.....	4.29

IMMIGRATION AND NATURALIZATION SERVICE

UNIT COST PER MAN-DAY SERVICE OPERATED DETENTION FACILITIES, FISCAL YEAR 1973

Item	New York, N.Y.	El Centro, Calif.	El Paso, Tex.	Port Isabel, Tex.	Total
Personal services and benefits.....	\$12.03	\$2.99	\$4.43	\$4.31	\$4.41
Maintenance of detainees.....	1.85	.41	.35	.40	.52
Other operating costs.....	.29	.21	.25	.56	.30
Total.....	14.17	3.61	5.03	5.27	5.23

EXHIBIT D

SERVICE-OPERATED DETENTION FACILITIES, CONSOLIDATED COST REPORT, FISCAL YEAR 1973

	New York, N.Y.	El Centro, Calif.	El Paso, Tex.	Port Isabel, Tex.	Total	Cost per man-day
Personal services and benefits	\$535,942.48	\$524,936.76	\$457,457.15	\$429,851.29	\$1,948,187.68	.....
Less: Amount chargeable to escort duty	161,916.48	37,352.25	63,754.85	72,164.57	335,188.15	.....
Balance	374,026.00	487,584.51	393,702.30	357,686.72	1,612,999.53	\$4.407
Maintenance of detainees ¹	57,405.06	67,371.32	31,234.56	32,752.42	188,761.36	.516
Other operating costs ²	9,153.37	33,648.97	22,173.25	46,824.74	131,800.33	.305
Total	440,584.43	588,604.80	447,108.11	437,263.88	1,913,561.22	5.228
Man-days of detention	31,085	163,008	68,946	82,983	366,022	.....
Cost per man-day	\$14.17	\$3.61	\$5.03	\$5.27	\$5.23	.....
Total aliens in custody during year	5,954	81,770	35,567	28,876	152,167	.....
Maximum capacity of detention quarters	100	856	456	320	1,732	.....
Number of employees presently assigned	41	47	39	32	159	.....
Appropriation reimbursements earned: Overnight detention:						
Man-days	302	36	33	.....	171	.....
Rate	\$1.50	*\$4.48	\$3.00	.....	.....	.....
Total	\$153.00	\$161.20	\$99.00	.....	\$413.20	.....
Subsistence (306 meals at \$1)	\$306.00	.....	.....	.....	\$306.00	.....
Total	\$459.00	\$162.10	\$99.00	.....	\$719.20	.....

	New York, N.Y.	El Centro, Calif.	El Paso, Tex.	Post Isabel, Tex.	Total	Cost per man-day
¹ Maintenance of detainees:						
Food	*\$52,845.50	\$62,262.27	\$27,813.57	\$30,172.72	\$173,094.06	\$0.473
Clothing	292.96	17.02	492.32	167.81	970.11	.003
Physician services	4,033.62	924.71	0	510.21	5,468.54	.015
Drugs	0	977.47	375.08	352.01	1,704.56	.005
Welfare items	232.98	3,189.85	2,551.59	1,549.67	7,524.09	.020
Total	57,406.06	67,371.32	31,232.56	32,752.42	188,761.36	.516
² Other operating costs:						
Utilities	.....	5,988.12	4,679.11	18,427.71	29,094.94	.079
Repairs	1,166.09	5,941.32	2,861.90	10,463.84	20,433.15	.056
Equipment	1,087.40	3,949.26	1,039.76	198.00	6,274.42	.017
Communication services	604.80	2,235.39	846.76	471.99	4,158.94	.011
Supplies and fuel	793.78	14,511.28	10,868.26	8,975.60	35,148.92	.096
Laundry supplies and services	5,501.30	1,023.60	1,877.46	8,287.60	16,689.96	.046
Total	9,153.37	33,648.97	22,173.25	46,824.74	111,800.33	.305

¹ Average rate charged for overnight detention.

*Contract—JIC-18637—\$1.25 per man-day, plus necessary supervision and labor.

Mr. EILBERG. How long are aliens held in detention prior to expelling them from the country?

Mr. CHAPMAN. The average is about 2½ days, but of course, the extremes are wider than that. Some are much less. Some we may detain for considerable periods of time.

Mr. EILBERG. Can you give us the range of extremes, Commissioner?

Mr. GREENE. After a final order of deportation, we are restricted by law to 6 months detention. During the interim period, it might be longer as the case goes through appeals and before we get a final order. It could be as much as 1 year.

Mr. CHAPMAN. But many of those that we apprehend, of the Mexicans we apprehend near the border, we detain them just brief periods of time before we remove them over the border, very brief.

Mr. EILBERG. Will the recent INS budget cut reduce any of your appropriations for detaining and deporting illegal aliens?

Mr. CHAPMAN. No, sir.

Mr. EILBERG. Finally, in your justification paper submitted to the Appropriations Committee, it was indicated that the number of smugglers of aliens located has risen from 525 in fiscal year 1965 to 6,355 in fiscal 1973, a 1,110 percent increase. What efforts are being made to reduce this serious problem?

Mr. CHAPMAN. Our border patrol, who are primarily responsible for apprehending smugglers, have redoubled their efforts, with the result that we are apprehending evermore of the smugglers. I regret to say, however, that we are not able to bring very many of them to justice. The numbers are so huge that it is just beyond the capacity of the courts to handle them.

Mr. EILBERG. The justification paper that I alluded to also stated that "the smuggling of non-Canadians through the northern New York-Vermont segments of the Canadian-United States border continues to be of concern." Would you explain the nature of the problem in that area and what nationalities of aliens are being smuggled?

Mr. GREENE. If I may, Mr. Chairman, answer that question. The concern that we have is that there are many non-Canadians—for example, Chinese, Haitians, and Jamaicans. They use the so-called back-door approach. They fly into Canada and attempt to smuggle into the United States, either through ports using false documents or through the field, walking around the ports. We have some traffic in Italians through that area of the country. The numbers are not large, but there is concern because a Chinese is very difficult to identify as to their political background. There are constantly statements being made that some of the Italians are being brought in for organized crime. We do not have anything to sustain that, but we are concerned and watching it very carefully.

Mr. EILBERG. I note that of the 17 border patrol positions requested in the northeast United States, 14 were designated for the Swanton sector. Is this to control the same problem I have just referred to? Would these additional border patrol positions have alleviated this problem?

Mr. GREENE. Yes, sir; the Swanton section covers that part of the border. That is where we have the antismuggling communications and intelligence center located. This is where the smuggling in the eastern part of the United States takes place, due south of Montreal.

Mr. EILBERG. And additional border patrol positions would tend to alleviate that?

Mr. GREENE. Yes, sir; they are desperately needed to augment our border patrol strength.

Mr. EILBERG. Commissioner, what other items will be affected by the \$5 million reduction in appropriations for INS?

Mr. CHAPMAN. Principally, the vehicles which were to be used by the 150 border patrolmen which were not approved—vehicles and communication equipment.

Mr. EILBERG. Mr. Flowers?

Mr. FLOWERS. Thank you, Mr. Chairman.

Just out of curiosity, Commissioner, what part of INS' overall effort would you say, and I am sure it would have to be somewhat guesswork here, is devoted to border patrol on the Mexican border, apprehending, prosecuting border crossings, smugglers, and so on?

Mr. CHAPMAN. In connection with the Southern border only?

Mr. FLOWERS. And I gather that would extend up to the cities, too, where you have the problem with Mexican illegal aliens working and so on.

Mr. CHAPMAN. About three-quarters of the border patrol is on or near the Mexican border.

Mr. FLOWERS. What I am getting at, I guess, and I think I could presume the answer to be a large percentage of the overall effort of the Service, is directed toward the Mexican problem, is it not?

M. CHAPMAN. That is very true, sir, a large percentage.

Mr. FLOWERS. How many—do you have a feel for how it would break down in general percentages, or as best you can, illegal crossings as opposed to illegal aliens who have come over legally, perhaps, and then obtained employment which violates their status?

Mr. CHAPMAN. I can give you the number we apprehended and removed last fiscal year in those categories. We apprehended and removed, I think it was 143,000 that our investigators located in the cities. Not all of those, however, were students or tourists that had overstayed. The remainder that we apprehended or removed, something over half a million, were Mexican.

Mr. FLOWERS. What is the current rule on foreign students who, say, come over here for the 9 months school year and then have the summer time in which they are not engaged in school activities? Are they allowed to obtain part-time summer employment?

Mr. CHAPMAN. They are governed by the specifications in the law. The law provides that a foreign student shall come to this country to pursue a course of instruction solely—the word “solely” is in the law—to pursue that course of instruction. We therefore, or the consuls overseas, require that a student applying must demonstrate two things: First, that he has been accepted by the school that he intends to attend; and second, that he has sufficient resources in hand or promised to carry him through the full course of instruction without working in this country. Each student signs a certified statement to that effect.

There is, in fact, no provision in the law that specifically allows foreign students or would authorize them to work during the summers. However, we have been lenient in this regard and have authorized part-time, 20-hour employment during the school year for those who have financial need that arises after they get here to pursue their course of instruction.

In the past, we have authorized the foreign student advisers at the universities to authorize full-time summer employment. This year, we retained that authority within the Service, however, in order to insure that only those who had a bona fide need were permitted to work.

Mr. FLOWERS. Thank you.

I have no further questions.

Mr. EILBERG. Ms. Holtzman.

Ms. HOLTZMAN. Thank you.

Commissioner, I would like to follow up, if I might with the chair-

man's permission, since this is a general oversight hearing, some of the questions that I raised at the last oversight hearing of this committee respecting the investigation of alleged Nazi war criminals. I would like to say first that I very much appreciate your responses to my questions in this area. I would just like to explore the matter a little further.

First, with respect to the number of full-time personnel, it is my understanding from people who have been working with some of the members of the New York office that in fact, none of the people are working full time of the three who have been assigned to this investigation of Nazi war criminals. I would certainly hope that you would determine whether or not this is the case.

The second question I wanted to ask you had to do with INS action regarding Andrija Artukovic, who has been under a deportation order since 1953. The deportation order was stayed, as I understand it, because the Justice Department felt, together with the State Department, that deporting him to Yugoslavia would run afoul of some provisions in our law which would prevent such deportation if there is a fear of political persecution. Without addressing the merits of that concern, I wonder if you could explain to me why a country like West Germany, which would have jurisdiction under our extradition treaty with it, or to which he could be deported, has not been contacted by INS regarding his possible deportation or extradition?

MR. CHAPMAN. Well, we deal with the State Department on those matters. We do not ourselves directly contact foreign countries. And we have so contacted the State Department.

With respect to your first question, I personally have been to New York and gone over in detail with our office there their efforts in managing and conducting this investigation and there is no doubt that we have two investigators who are working full time on it. The senior investigator, who supervises all investigative efforts in the area, devotes a considerable portion of his time to supervising the work of these two particular investigators.

Further, the District Director holds a scheduled weekly meeting with an investigating section and investigators and with representatives from the legal and other—trial attorney—and other interested parties where they run through the progress for the previous week, plans for the coming week, and the like, a full scale review every week by the District Director.

MS. HOLTZMAN. I am pleased to have that information from you, but with respect to Mr. Artukovic's deportation or extradition, have you made a request to the State Department to contact West Germany in that respect?

MR. GREENE. No, I do not believe we have made a request of Germany. I do not think it would be proper to make a request of the State Department to have Germany extradite. If Germany wished to extradite, they would start action on their own.

MS. HOLTZMAN. What about deportation?

MR. GREENE. I do not believe we have made a request of the State Department or of the German Republic for a document on which we might deport Artukovic to Germany.

MR. CHAPMAN. His stay of deportation goes back to the U.S. Commissioner, does it not?

It goes back to 1959.

Mr. GREENE. There was an attempt to extradite Artukovic about 1950—

Ms. HOLTZMAN. To Yugoslavia and the problem arose out of fear of possible political persecution in Yugoslavia. The same question could not arise, it seems to me, with respect to any other country, especially West Germany. I frankly fail to understand why, in the recent past, I would say in the last 10 years, no country, including West Germany, has been contacted for purposes of deporting Mr. Artukovic. I understand the scruples of the State Department or the Immigration Service respecting Yugoslavia, but I cannot understand a failure to make an attempt to deport him to any other country, especially West Germany.

I wonder if you would answer that and look into the possibility of obtaining travel documents from any other country, including West Germany.

Mr. CHAPMAN. In your second letter to us, you raised in detail these questions concerning Mr. Artukovic. We are now preparing and nearing the completion of a detailed answer to your second letter. We will include in it these questions that you have here raised as well. We should have that to you in the next few days.

Ms. HOLTZMAN. I would certainly appreciate that.

I have one other question, mainly because many people have been contacting me about this Nazi war criminal investigation. In examining the status reports and the information you have sent me, I noticed that there are still six cases in which, according to the last report I received from your office, no witnesses or sources—I mean human sources as opposed to documentary sources—have been contacted at all. I would like to note that for the record and I would hope that some action in these cases could be taken. I am sure my pronunciation of the names is not going to be accurate, but I will try.

The case of Brazaitis, who is alleged to have been a chief minister of the Lithuanian Activist Front, a man called Slepetyts, who was allegedly the Interior Minister in Lithuania under the Nazi—

Mr. EILBERG. Ms. Holtzman, would you be kind enough to submit those names to the reporter so she can record them correctly?

Ms. HOLTZMAN. Surely. I was just trying to read them to familiarize ourselves with the names.

The two Kowalczyk brothers, Mr. Ris, and Aleksas Maskoliunas, all of whom have been alleged to have been involved in various Nazi activities. I am not saying that these allegations are true, but I am saying that the allegations have been made and according to your reports, no witnesses or sources whatsoever have been interviewed in these cases.

I just have one other question.

Mr. EILBERG. Sure.

Ms. HOLTZMAN. I wonder if you could tell me, since this case has aroused a lot of concern in the New York area because this man lives there, what is the present status of the Maikovskis case?

Mr. GREENE. Is this the man who lives on Long Island and they are picketing his house?

Ms. HOLTZMAN. That is right.

Mr. GREENE. I do not have the status of that case.

Mr. EILBERG. Will you get that for the record?

Mr. CHAPMAN. Yes.

Ms. HOLTZMAN. The reason I raised that question is because Mr. Marks—the head of the New York office—stated on a television program that a witness had been interviewed who alleged that he had eyewitness proof that Mr. Maikovskis had been involved in physical brutalization of people. Yet, Mr. Marks indicated that the statutes precluded deportation on this basis. Mr. Maikovskis is not a U.S. citizen. Yet the Displaced Persons Act provides that any person who advocates or assisted in the persecution of any person because of race, religion, or national origin shall not be entitled to a visa and, if he has obtained a visa, shall be deported at a later time. It seems to me if Mr. Marks is stating accurately the report of that witness' proof, then I would like to have some explanation as to why under the Displaced Persons Act, action has not yet been taken against Mr. Maikovskis. This case has generated tremendous interest in the entire New York area, I might point out.

Thank you, Mr. Chairman.

Mr. EILBERG. Commissioner, I am interested in this same subject. There is a famous case in Philadelphia, I think the name is Kowalczyk, involving war criminals.

I see Mr. Leary shaking his head.

I wonder if you would provide the status of that case for us also?

Mr. CHAPMAN. Yes.

[The information referred to follows:]

In response to your inquiries, the following information is furnished concerning the matters in question:

1. Apparently there has been a misunderstanding concerning the number of investigators assigned to the Nazi war criminal program. The Service has never represented that there are three full time investigators assigned. There are two highly competent and experienced investigators working solely on this project, with the entire staff of the New York office available on an as-needed basis. Also, investigative personnel throughout the United States and at Service offices abroad cooperate to the optimum degree when required. This matter is dealt with in our response to Ms. Holtzman's letter to the Service.

2. Andrija Artukovic—The Service has initiated action to ascertain whether there are any countries (other than Switzerland and Ireland which have refused to accept him) that will accept him upon his deportation from the United States. Representations to this effect are made to the consulates of foreign governments which in turn transmits the request to their government. This is a time consuming effort in which decisions are usually long delayed. Extradition is a judicial and legal proceeding which is initiated by a foreign government through the Department of State and is not within the scope of authority of this Service.

3. Juozas Brabaitis—To date, there have been twenty-two "human sources" or potential witnesses interviewed concerning this subject but they have failed to either identify the subject or, if identified, to furnish any derogatory, evidentiary information of a probative nature.

4. Jonas Slepetyš—In this case, twenty-two "human sources" or potential witnesses have also been interviewed with similar results.

5. Serhij Kowalczyk—Four "human sources" or potential witnesses have been interviewed with no evidence of a probative nature developed.

6. Mikolaj Kowalczyk—Same as the foregoing individual, his brother.

7. Alexander Ris—Four witnesses have been interviewed and no derogatory information was developed.

8. Aleksas Maskoliunas—To date, only two witnesses were interviewed, both of whom were unable to identify this individual. However, on May 29, 1974, a report was prepared and distributed to various Service field offices setting forth leads for the interview of twelve potential witnesses.

9. Boleslavs Maikovskis—He was admitted to the United States for permanent residence on December 22, 1951. Investigation was originally initiated in 1965 based on newspaper reports of his conviction in absentia in Latvia of being a war criminal. An extensive and intensive investigation was conducted, and is being conducted, to locate witnesses who can furnish probative evidence of his alleged war crimes in order to substantiate a deportation charge on those grounds. During 1965 and 1966, approximately 60 persons were interviewed with negative results. Since August 1973, about 35 more individuals were interviewed with similar results. In addition, numerous organizations have been contacted, some repetitively, without obtaining any probative evidence.

10. A letter has been directed to the Department of State concerning the presentation of the names of all of the alleged war criminals presently under active investigation by this Service to the governments of the U.S.S.R., Poland, Rumania, and the Federal Republic of Germany to determine whether those governments could furnish any information of an evidentiary nature or witnesses with probative information concerning war atrocities allegedly committed by these persons. This evidence must be clear, convincing and unequivocal to sustain any proceeding looking towards revocation of citizenship and/or deportation. These are standards which have been set, not arbitrarily by this Service, but by the Supreme Court of the United States.

With reference to the Kowalczyk brothers and Ris, investigation is being actively pursued to locate other potential sources of evidentiary information.

With reference to the witness in Canada with knowledge of Boleslavs Maikovskis that former District Director, Sol Marks of our New York office mentioned in his television interview, a sworn statement was taken from him. This statement is being evaluated and you will be further advised.

Mr. EILBERG. I am curious about one thing you said a few minutes ago, that something was the responsibility of the State Department. You were referring to questioning of witnesses overseas, I believe.

Mr. CHAPMAN. That is right, sir. And any actions with respect to extradition, that kind of thing.

Mr. EILBERG. What are the mechanics? At what point do you go to the State Department and make a request of them?

Mr. GREENE. We have a number of requests pending before State now for questioning of persons overseas, some in Russia. At any point in the investigation, we can go to the State Department and ask them for assistance to help us in our investigation.

Mr. EILBERG. Do you attempt to get people from the State Department to question witnesses?

Mr. GREENE. Yes, indeed. Where we do not have our own people or at least get us authority, if we do have somebody in the area. We have a few people overseas.

Mr. EILBERG. There were a number of cases mentioned by Ms. Holtzman in her first letter. Do any of those cases require attention by the State Department?

Mr. CHAPMAN. Yes, sir; they do.

Mr. EILBERG. What are you doing about those cases?

Mr. GREENE. We have requests pending with the State Department for assistance, getting either clearance to have the questioning done or do the questioning.

Mr. EILBERG. Could you keep us apprised of progress in those cases?

Mr. GREENE. Yes, sir.

Mr. CHAPMAN. I think we set that forth in some detail in our answer to the first of Ms. Holtzman's letter. As I said, we are preparing an answer to the second now.

Ms. HOLTZMAN. Mr. Chairman, would you yield on that point?

Mr. EILBERG. Yes.

Ms. HOLTZMAN. I am glad you raised it, because if we can break it down, there are two ways of dealing with some of these foreign governments, especially Eastern European countries. One is trying to interview named eyewitnesses, which I gather you are doing through the State Department. The other is giving the names of some of these alleged war criminals for the purpose of finding out if there are eyewitnesses.

I gathered from your first status report that you had not distributed the names to any of these governments for the purpose of obtaining either documentary evidence or obtaining the names of potential eyewitnesses. I was wondering whether you had changed your procedures so that the State Department was distributing these names to the Polish Government, the Romanian Government, the Hungarian Government, the Russian Government, to find out whether they have any information about them.

Mr. GREENE. Ms. Holtzman, the second course of action that you have just outlined there has not been taken, to my knowledge. We are still processing the witnesses that have been identified to us through your efforts and the efforts of some others. Requests have been placed with State, where the witnesses are overseas. We are working, as we have informed you in our correspondence, through a number of agencies who are particularly interested in this matter.

The West German Government has indicated recently that they were possibly interested in extraditing and we are continuing our negotiations with that office.

Ms. HOLTZMAN. Perhaps you did not understand the point I was making. I think Mr. Eilberg was talking about actually interviewing witnesses. The point I am making is there is another step. If you do not have the names of identified witnesses, it may be possible to find them if the names of the alleged war criminals are distributed to these governments to find out if they have any documentary evidence. I would suggest, with all due respect, that if these names were given to those governments through official channels, they may be able to provide us with either documentary evidence or names of witnesses in cases where we do not have this information.

Mr. GREENE. I understood your point. It is a matter of implementing it. We would have to go to the State Department and have them present the names to the governments that you have suggested to see if they could turn up anything.

Ms. HOLTZMAN. Do you have any plans to submit these names to the State Department so they can transmit them through channels to these governments?

Mr. GREENE. If it has not already been done—I think it has—we will be glad to take your suggestion and submit them the names.

Ms. HOLTZMAN. Thank you.

Mr. EILBERG. Just one or two more questions.

Will you comment on plans to expand the electronic intrusion detection systems in fiscal year 1975 to Marfa and Port Isabel?

Mr. CHAPMAN. There are two new sensor arrays provided in the 1975 budget for us. Let me turn to Mr. Greene for where we plan to locate them.

Mr. GREENE. All sectors on the Mexican border will be equipped with

sensing devices when we get our 1975 budget. The two in the 1975 budget were to update two systems that are not working properly, or they are not up to date. Marfa and McAllen will be installed with money from this year's budget. The 1975 money will replace systems in Chula Vista and El Paso.

Mr. EILBERG. What about Port Isabel?

Mr. GREENE. Port Isabel sector no longer exists. It has been combined with McAllen, Tex.

Mr. EILBERG. Commissioner, what results have been achieved from this system of electronic intrusion and detection and will the budget cut have any impact on proposed plans to extend this system, especially since border patrol officers are needed to respond to sensor alarms?

Mr. CHAPMAN. The latter is the case, sir. The sensor systems are excellent. They do a really remarkable job for us and they provide intelligence on many more movements than we have the border patrolmen to check on. So the sensor capacity exceeds our border patrol capacity, is what it boils down to.

We had planned to use a number of the 200 additional border patrolmen that were in the 350 that were not all approved for the purpose of answering sensor signals.

Mr. EILBERG. Mr. Commissioner, I want to thank you and your colleagues for coming here this morning and helping us very much in better understanding this problem. I will just close by saying that we hear very often from people in the Immigration and Naturalization Service and under your leadership the morale has unquestionably improved.

Mr. CHAPMAN. That is very kind of you to say, Mr. Chairman.

Mr. Chairman, it is a real honor to be associated with the fine people in this Service.

Ms. HOLTZMAN. May I join the Chairman in his last remarks?

Mr. EILBERG. Yes, indeed.

Thank you very much.

The meeting is adjourned.

[Whereupon, at 10:10 a.m., the subcommittee was adjourned.]

